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# JOURNAL

OF THE

# SENATE

OF THE

# GENERAL ASSEMBLY

OF THE

## STATE OF NORTH CAROLINA,

AT ITS

## SESSION OF 1874--'75.

RALEIGH:
JOSIAH TURNER, PUBLIC PRINTER AND BINDER.
1875.

# SENATE JOURNAL,

## SESSION 1873-'74.

### FIRST DAY.

SENATE CHAMBER, November 16th, 1874.

At a General Assembly of the State of North Carolina, begun and held in the city of Raleigh, on Monday the 16th day of November, 1874, it being the day appointed by law for the meeting of the General Assembly, the Principal Clerk elected by the last Senate called the Senators elect to order at 12 M.

Thereupon the following Senators elect presented their credentials and were duly qualified according to law:

| | | |
|---|---|---|
| 1st | District: | W. B. Shaw, P. R. Jernigan. |
| 2nd | " | Chas. Latham. |
| 5th | " | W. P. Mabson. |
| 6th | " | J. B. Stickney. |
| 8th | " | Richard Tucker. |
| 9th | " | W. T. R. Bell. |
| 10th | " | D. E. Smith, Jno. D. Standford. |
| 11th | " | Josiah Sugg. |
| 12th | " | Edward Cantwell. |
| 13th | " | Jos. Cashwell. |
| 14th | " | Edmund W. Kerr. |
| 16th | " | Geo. W. Pegram. |
| 17th | " | L. R. Waddell. |
| 18th | " | C. M. Busbee. |
| 19th | " | Jno. M. Paschall. |
| 20th | " | C. E. Parrish, Geo. Williamson. |

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22d District: W. G. Albright.
23d " James Irwin.
24th " A. S. Holton.
25th " R. H. Worthy.
26th " James T. LeGrand.
27th " C. M. T. McCauley.
28th " Richard Anderson.
29th " R. P. Waring.
30th " J. H. Clement.
31st " Alfred Hargrave.
33d " J. G. Marler.
34th " R. F. Armfield, R. T. Linney.
35th " F. J. McMillan.
36th " J. C. Mills, D. M. Young.
37th " W. A. Graham, Jr.
38th " Jesse Jenkins.
40th " Jno. S. McElroy.
41st " T. W. Taylor.

The Clerk having announced that a quorum was present and duly qualified, on motion

Mr. J. R. Love, Senator elect from the 42nd District, Messrs. C. M. Cooke and N. W. Boddie, Senators elect from the 7th Senatorial District; Mr. Jas. T. Morehead, Senator elect from the 24th Senatorial District, and Mr. Martin Walker, Senator elect from the 39th Senatorial District, were also permitted by the Senate to be qualified upon satisfactory evidence of their having been duly elected as Senators from their several Senatorial Districts.

The Senate then proceeded to the election of a President.

Nominations being in order, Mr. Morehead nominated Mr. R. F. Armfield, of Iredell.

The Senate then proceeded to vote as follows:

For Mr. Armfield.—Mr. President, Messrs. Albright, Anderson, Bell, Boddie, Busbee, Clement, C. M. Cooke, Graham, Hargrave, Holton, Irwin, Jenkins, Jernigan, Kerr, Latham, LeGrand, Linney, Love, Marler, McCauley, McElroy, McMil-

lan, Mills, Morehead, Parrish, Pegram, Shaw, Smith, Standford, Stickney, Sugg, Taylor, Waddell, Walker, Waring, Williamson, Worthy and Young.

Mr. Armfield voted for Mr. McMillan, Mr. Cantwell voted for Mr. Mabson, and Mr. Mabson voted for Mr. Tucker.

Mr. Armfield having received a majority of all the votes cast, was declared elected President, and having been conducted to the chair by Messrs. Waddell and Standford, addressed the Senate as follows:

"*Senators of North Carolina:* I have no words that can express to you the gratitude I feel for the honor you have conferred in calling me to preside over your deliberations, but in a body like this, composed of the chosen representatives of the people, assembled to perform the highest civil functions that mortal man is ever called upon to discharge, and to make laws or the people of a free and sovereign State, with a written constitution for their guide, and the good of the whole people for their aim; I apprehend that the mere function of keeping order will be that of a sinecure, and although I deeply feel at this hour and regret my want of familiarity with the rules of deliberative bodies and legislative assemblies, yet relying on your kind indulgence for my short comings and proposing to myself only one rule for my guidance in the discharge of my duties as your presiding officer, I accept the honor you have conferred, with a high hope of being able by diligence and a close application to duty, of being able to discharge the high duties you have imposed upon me with acceptability to you, and for the honor and good of the State that we all honor and love to serve."

The Senate then proceeded to the election of a Principal Clerk.

Mr. Warring nominated Johnstone Jones, of Mecklenburg, and the Senate proceeded to vote as follows:

For Mr. Jones.—Mr. President, Messrs. Albright, Ander-

son, Bell, Boddie, Bryan, Busbee, Clement, C. M. Cooke, Graham, Hargrave, Irwin, Jenkins, Jernigan, Kerr, Latham, LeGrand, Linney, Love, Marler, McCauley, McElroy, McMillan, Mills, Morehead, Parrish, Pegram, Shaw, Smith, Standford, Stickney, Sugg, Taylor, Tucker, Waddell, Walker, Waring, Williamson, Worthy and Young.

Mr. Jones was declared duly elected.

The Senate then proceeded to the election of an Assistant Clerk.

Mr. Latham nominated Patrick H. Winston, Jr., of Bertie, and the Senate voted as follows:

For Mr. Winston.—Messrs. Albright, Anderson, Bell, Boddie, Busbee, C. M. Cooke, Graham, Hargrave, Irwin, Jenkins, Jernigan, Kerr, Latham, LeGrand, Linney, Love, Mabson, Marler, McCauley, McElroy, Mills, Morehead, Parrish, Pegram, Shaw, Smith, Standford, Stickney, Sugg, Taylor, Waddell, Waring, Williamson, Worthy and Young.

Mr. Winston was declared duly elected.

On motion, the Senate adjourned until 11 A. M. to-morrow.

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## SECOND DAY.

Senate Chamber, November 17, 1874.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

Mr. J. M. Paschall, Senator elect from the 19th District; Mr. N. S. Cook, Senator elect from the 32d District; Mr. Jno. Bryant, Senator elect from the 4th District; Mr. R. G. Sneed, Senator elect from the 21st District; and Mr. W. F. French, Senator elect from the 15th District, presented their credentials and were duly qualified.

A message was received from the House of Representatives

informing the Senate that that body had organized and was now ready for the dispatch of business.

Mr. Waring moved that the Senate do now proceed to elect a Principal Doorkeeper. The motion prevailed.

Thereupon Mr. Selby nominated J. E. Morriss, of Craven, and the Senate proceeded to vote as follows:

For Mr. Morriss.—Messrs. Albright, Anderson, Bell, Boddie, Busbee, Clement, C. M. Cooke, French, Graham, Hargrave, Irwin, Jenkins, Jernigan, Kerr, Latham, LeGrand, Linney, Love, Marler, McCauley, McElroy, McMillan, Mills, Morehead, Parrish, Pegram, Selby, Shaw, Smith, Sneed, Standford, Stickney, Sugg, Taylor, Tucker, Waddell, Walker, Waring, Williamson, Worthy and Young—41.

Mr. Cantwell voted for Mr. Atkinson.

Mr. Morriss was declared duly elected.

Mr. Waddell moved that a message be sent to the House of Representatives, informing that body that the Senate had organized and was now ready for the transaction of business.

The motion prevailed, and a message was sent in accordance therewith.

Mr. Morehead moved that a message be sent to the House of Representatives proposing to raise a joint select committee, to consist of three on the part of the Senate and five on the part of the House of Representatives, to wait upon his Excellency the Governor, and inform him that the General Assembly had organized and was ready to receive any communication he might see fit to make.

The motion prevailed, and the Chair having designated Messrs. Morehead, LeGrand and Cantwell as the Senate branch of the committee proposed to be raised, a message was sent in accordance therewith.

Mr. Marler moved that the Senate do now proceed to the election of an Assistant Doorkeeper. The motion prevailed.

Thereupon, Mr. Marler nominated Anderson Douglass, of Yadkin, and the Senate voted as follows:

For Mr. Douglass.—Messrs. Albright, Anderson, Bell,

Boddie, Busbee, Clement, C. M. Cooke, French, Graham, Hargrave, Holton, Irwin, Jenkins, Jernigan, Kerr, Latham, LeGrand, Linney, Love, Marler, McCauley, McElroy, McMillan, Mills, Morehead, Parrish, Pegram, Selby, Shaw, Smith, Standford, Stickney, Sugg, Taylor, Waddell, Walker, Waring, Williamson, Worthy and Young—40.

Mr. Cantwell voted for Mr. Macey.

Mr. Douglass was declared duly elected.

Mr. Busbee moved that the Senate do now proceed to the election of an Engrossing Clerk. The motion prevailed.

Thereupon Mr. Busbee nominated Mr. J. McLeod Turner, of Buncombe, and the Senate proceeded to vote as follows:

For Mr. Turner.—Messrs. Albright, Anderson, Bell, Boddie, Busbee, Cashwell, Clement, C. M. Cooke, French, Graham, Hargrave, Holton, Irwin, Jenkins, Jernigan, Kerr, Latham, LeGrand, Linney, Love, Marler, McCauley, McElroy, McMillan, Mills, Morehead, Parrish, Paschall, Pegram, Selby, Shaw, Smith, Sneed, Standford, Stickney, Sugg, Taylor, Waddell, Walker, Waring, Williamson, Worthy and Young.

Mr. Turner was declared duly elected.

A message was received from the House of Representatives informing the Senate that that body had concurred in the proposition to raise a joint select committee to wait on the Governor, and designating Messrs. Blythe, Richardson, Means, Erwin and Barnett, as the House branch of the committee.

Mr. Waring moved that a select committee of three be raised to prepare and report rules of order for the government of the Senate, and that the rules of order adopted by the last Senate be enforced until new ones were adopted. The motion prevailed, and the Chair designated Messrs. Waring, Waddell and Kerr as the committee.

A message was received from the House of Representatives informing the Senate that that body was prepared to go into joint session at 12 M., to compare the vote cast for Superintendent of Public Instruction at an election held in August last, and in response thereto a message was sent to the House

of Representatives informing that body that at that hour the Senate would proceed to the Hall of the House of Representatives for that purpose.

Mr. Morehead, from the Joint Select Committee to wait upon the Governor, reported that the committee had performed their duty, and that the Governor would communicate with the General Assembly at 12 M. to-morrow by message in writing.

Mr. French asked and obtained leave to record his vote in favor of Mr. Armfield for President, Mr. Jones for Principal Clerk, and Mr. Winston for Assistant Clerk.

The following named resolutions were introduced, read and disposed of, as follows:

By Mr. Waring: Resolution concerning amendments to the State Constitution. Laid over under the rules.

By Mr. Cantwell: Resolution concerning constitutional amendments. Laid over under the rules.

At 12 M. the Senate proceeded in a body to the Hall of the House of Representatives where a Joint Session was held, a record of the proceedings of which will be found in the Journal of that body for this day, and the Joint Session having been adjourned, the Senate returned to its own Chamber.

The Chair announced the following standing committees of the Senate:

*Propositions and Grievances.*—Messrs. Latham, Worthy, Graham, Parrish, Sneed, Holton and McCanley.

*Privileges and Elections.*—Messrs. Parrish, Stickney, McElroy, Hargrave, Peebles, Jernigan and Young.

*Claims.*—Messrs. Williamson, French, Boddie, Stickney, Albright, Linney and Walker.

*Judiciary.*—Messrs. Morehead, Jernigan, C. M. Cooke, Busbee, Linney, Peebles and Waring.

*Internal Improvements.*—Messrs. Waring, Waddell, Love, LeGrand, Mills, Bell and Cantwell.

*Education.*—Messrs. Bell, Marler, Jenkins, Kerr, Shaw, Clement and Mabson.

*Military Affairs.*—Messrs. McElroy, Young, Graham, Morehead, Cantwell, Tucker and Sugg.

*Agriculture, Mechanics and Mining.*—Messrs. Selby, McMillan, Love, Hargrave, Albright, Pegram and Paschall.

*Banks and Currency.*—Messrs. C. M. Cooke, Jenkins, Standford, Kerr, Peebles, LeGrand and Linney.

*Corporations.*—Messrs. Busbee, French, C. M. Cooke, Jernigan, McCauley, Waddell and Shaw.

*Finance.*—Messrs. Standford, Marler, Graham, Worthy, Latham, Cashwell and Irwin.

*Insurance.*—Messrs. French, Shaw, Mills, Waring, Smith, Bryant and N. S. Cook.

*Penal Institutions.*—Messrs. Marler, LeGrand, Albright, Anderson, McMillan, Selby and Walker.

*Engrossed Bills.*—Messrs. Bell, McCauley and Love.

Leave of absence for one week was granted to the President, and the Senator from Guilford designated as President *pro tem.*

On motion, the Senate adjourned until 11 A. M. to-morrow.

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## THIRD DAY.

SENATE CHAMBER, November 18, 1874.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

A message was received from the House of Representatives proposing to proceed to the election of an Enrolling Clerk for the General Assembly. The proposition was concurred in.

Thereupon Mr. Graham nominated D. P. Mast, of Forsythe, and the Chair having designated Messrs. Marler and Holton to superintend the election on the part of the Senate, the House of Representatives was notified thereof by message.

A message was received from the House of Representatives informing the Senate that J. W. Wood was in nomination before that body for the office of Enrolling Clerk, that Messrs. Moring and Foote had been appointed to superintend the election on the part of that body, and that the House of Representatives would proceed to ballot on the return of the messenger.

The Senate then voted as follows:

For Mr. Mast.—Messrs. Albright, Anderson, Bell, Boddie, Busbee, Clement, C. M. Cooke, French, Graham, Hargrave, Irwin, Jenkins, Jernigan, Kerr, Latham, LeGrand, Linney, Love, Marler, McCauley, McElroy, McMillan, Mills, Morehead, Parrish, Pegram, Selby, Shaw, Smith, Standford, Stickney, Sugg, Taylor, Waddell, Walker, Waring, Williamson, Worthy and Young—39.

For Mr. Wood.—Messrs. Cantwell and Tucker—2.

The following named bills were introdnced, read and passed first time, and were referred or otherwise disposed of, as follows:

By Mr. Cantwell: A bill to be entitled an act for the relief of the tax-payers of New Hanover county. To the Committee on Propositions and Grievances.

By Mr. Mabson: A bill to be entitled an act to amend sections 20 and 28, of the public school law of North Carolina for 1873–'74. To the Committee on Education.

The following named resolutions were introduced, read and disposed of, as follows:

By Mr. Waring: Resolution concerning the State debt. Laid over under the rules.

By message from the House of Representatives:

H. R. No. 1: Resolution of instruction to the Auditor. Concurred in.

Mr. Graham introduced the following resolution, which was read and adopted:

*Resolved*, That the Secretary of State be instructed to pro-

cure ten copies of Battle's Revisal and five copies of the laws of 1873–'74 and 1866–'67, for the use of the Senate.

The committee appointed to superintend the election of Enrolling Clerk, reported that 149 votes in all had been cast. That of these D. P. Mast had received 130 votes, and J. W. Wood had received 19 votes; that D. P. Mast having received a majority of all the votes cast, was duly elected Enrolling Clerk. The report was received and concurred in.

The consideration of resolutions being in order, the Senate proceeded to consider S. R. No. 1: Resolution concerning amendments to the State Constitution. The resolution was read.

Mr. Kerr moved to amend by adding the following:

*Resolved further*, That the Joint Committee appointed by the Senate and House of Representatives to take into consideration the feasibility of changing the Constitution, be instructed to report to the Senate upon the re-assembling of this body after the Christmas holidays.

Mr. Busbee moved that the further consideration of the resolution be postponed for one week. The motion did not prevail.

The question then recurring on the amendment offered by Mr. Kerr, it did not prevail.

The question then recurring on the adoption of the resolution, Mr. Love moved that the further consideration thereof be postponed and made a special order for Monday next. The motion did not prevail, and the resolution was adopted.

S. R. No. 2: Resolution concerning Constitutional amendments was read, and, on motion of Mr. Cantwell, laid on the table.

A message was received from the House of Representatives transmitting a message from His Excellency, the Governor, and accompanying documents, with a proposition to print 220 thereof. The message was received and read, and the proposition to print was concurred in.

On motion, the Senate adjourned until 11 A. M. to-morrow.

## FOURTH DAY.

SENATE CHAMBER, Nov. 19th, 1874.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

Mr. Hargrave presented a petition from the Mayor and Commissioners of the town of Thomasville, Davidson county, which was read and referred to the Committee on Propositions and Grievances.

Leave of absence for Saturday next was granted to the Principal Clerk.

Reports from Standing Committees were submitted as follows:

From the Committee on Propositions and Grievances:

By Mr. Latham, S. B. No. 3: A bill to be entitled an act for the relief of the tax-payers of New Hanover county, with a recommendation that it do pass.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of, as follows:

By Mr. Stanford: A bill to be entitled an act to require the registration of deeds. To the Committee on Judiciary.

By Mr. McElroy: A bill to be entitled an act to amend section 14, chapter 63, Battle's Revisal. To the Committee on Judiciary.

By Mr. C. M. Cooke: A bill to be entitled an act concerning the sale of deadly poisons. To the Committee on Judiciary.

By Mr. Cantwell: A bill to be entitled an act for a civil and criminal code. To the Committee on Judiciary.

A bill to be entitled an act concerning disabled soldiers. To the Committee on Military Affairs.

A bill to be entitled an act concerning the Wilmington and Weldon Railroad and Wilmington and Raleigh Railroad Companies. To the Committee on Internal Improvements.

By Mr. Jenkins: A bill to be entitled an act to authorize

and empower the constable of Shelby, Cleaveland county, to collect arrearages of taxes. To the Committee on Propositions and Grievances.

By Mr. Kerr: A bill to be entitled an act to allow Clifton Ward, late sheriff of Sampson county, to collect the arrear taxes for the year 1873, still due him as late sheriff of said county. To the Committee on Propositions and Grievances.

By Mr. Love: A bill to be entitled an act to allow T. W. Taylor, late sheriff of Henderson county, to collect arrears of taxes. To the Committee on Propositions and Grievances.

By Mr. Latham: A bill to be entitled an act to authorize the county commissioners of Tyrrell county to sell the present poor house lot and to purchase another. To the Committee on Propositions and Grievances.

By Mr. Busbee: A bill to be entitled an act to amend Battle's Revisal, chapter 33. To the Committee on Judiciary.

A bill to be entitled an act concerning the offence of larceny. To the Committee on Judiciary.

By Mr. Linney: A bill to be entitled an act to give justices of the peace jurisdiction in proceedings in the nature of forcible entry and detainer. To the Committee on Judiciary.

By Mr. Holton: A bill to be entitled an act to establish a legal rate of interest, and to prevent usury. To the Committee on Judiciary.

A bill to be entitled an act to fix the *per diem* and mileage of members and officers of the General Assembly of 1874–'75. To the Committee on Finance.

By message from the House of Representatives, H. B. No. 14: A bill to be entitled an act to repeal an act entitled an act to provide for the payment of the interest of the lawful debt of the State. To the Committee on Finance.

By Mr. McCauley: A bill to be entitled an act for the removal of causes civil or criminal in certain cases. To the Committee on Judiciary.

Mr. Busbee introduced a resolution of instruction to the

Keeper of Capitol, which was read and laid over under the rules.

The consideration of resolutions being in order, S. R. No. 5: Resolution concerning the State debt, was read and adopted.

Mr. Standford, by consent, reported that the Committee on Finance had examined H. B. No. 14: A bill to be entitled an act to repeal an act entitled an act to provide for the payment of the interest of the lawful debt of the State, and recommended the passage thereof.

On motion, the rules were suspended and the Senate proceeded to consider the bill.

The bill was read second time.

Mr. Morehead moved to amend by adding to section 3 the words, "except as hereafter provided for by law."

The amendment prevailed and the bill passed second time.

The bill was read third time.

Mr. Cantwell moved to amend by striking out section 3.

The amendment did not prevail, and the bill passed third time. Yeas 37, nays 6.

*Affirmative.*—Mr. President, Messrs. Albright, Anderson, Bell, Boddie, Busbee, Clement, C. M. Cooke, French, Graham, Hargrave, Jenkins, Jernigan, Kerr, Latham, LeGrand, Linney, Love, Marler, McCauley, McElroy, McMillan, Mills, Parrish, Pegram, Selby, Shaw, Standford, Stickney, Sugg, Taylor, Waddell, Walker, Waring, Williamson, Worthy and Young—37.

*Negative.*—Messrs. Bryant, N. S. Cook, Holton, Mabson, Paschall, Sneed and Tucker—7.

Bills on second reading were acted on as follows:

S. B. No. 3: A bill to be entitled an act for the relief of taxpayers of New Hanover county. Read and passed second time.

On motion, the rules were suspended and the bill was read and passed third time. Yeas 45; nays none.

*Affirmative.*—Messrs. Albright, Anderson, Bell, Boddie, Bryant, Busbee, Cantwell, Cashwell, Clement, C. M. Cooke,

N. S. Cook, French, Graham, Hargrave, Holton, Jenkins, Jernigan, Kerr, Latham, LeGrand, Linney, Love, Mabson, Marler, McCauley, McElroy, McMillan, Mills, Parrish, Paschall, Pegram, Selby, Shaw, Sneed, Standford, Stickney, Sngg, Taylor, Tucker, Waddell, Walker, Waring, Williamson, Worthy and Young—45.

*Negative*—None.

The bill was ordered to be forthwith engrossed and transmitted to the House of Representatives for concurrence.

A message was received from the House of Representatives proposing to print one hundred additional copies of the Governor's message and accompanying documents. The proposition was concurred in.

On motion of Mr. Graham, it was ordered that the divisions of the Governor's message be referred each to the committee charged with the subject thereof.

On motion, the Senate adjourned until 11 A. M. to-morrow.

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## FIFTH DAY.

SENATE CHAMBER, November 20th, 1874.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

Reports from standing committees were submitted as follows:

From Committee on Propositions and Grievances:

By Mr. Latham, S. B. No. 20: A bill to be entitled an act to authorize and empower the constable of Shelby, Cleaveland county, to collect arrearages of taxes, with a recommendation that it do pass.

S. B. No. 19: A bill to be entitled an act to allow Clifton Ward, late sheriff of Sampson county, to collect arrears of taxes, with a recommendation that it do pass.

S. B. No. 18: A bill to be entitled an act to allow T. W.

Taylor, late sheriff of Henderson county, to collect arrears of taxes, with a recommendation that it do pass.

S. B. No. 17: A bill to be entitled an act to authorize the county commissioners of Tyrrell county to sell the present poor house lot and to purchase another, with a recommendation that it do pass.

Mr. Waring, from the Select Committee to prepare Rules of Order, made the following report, which was read and adopted:

ORDER OF BUSINESS.

I. The President having taken the chair at the hour to which the Senate shall have adjourned, and a quorum being present, the Journal of the preceding day shall be read, to the end that any mistakes therein may be corrected.

II. After the reading and approval of the Journal, the order of business shall be as follows:

1. The presentation of Petitions.
2. Reports of Standing Committees.
3. Reports of Select Committees.
4. Messages from the Governor.
5. Communications and Reports from State Officers.
6. Messages from the House of Representatives.
7. Introduction of Bills and Resolutions requiring three readings.
8. Motions and Senate Resolutions and Concurrent Resolutions that do not require three readings.
9. Unfinished Business of preceding Day.
10. Special Orders.
11. General Orders; first, bills and resolutions on third reading; second, bills and resolutions on second reading; but messages from the Governor and House of Representatives, and communications and reports from State Officers and reports from the Committee on Engrossed Bills and Enrolled Bills, may be received and acted on under any order of business.

POWERS AND DUTIES OF THE PRESIDENT.

III. The President shall appoint all committees, unless otherwise ordered by the Senate.

IV. He shall have the right to name any member to perform the duties of the chair, who is hereby vested, during such time, with all the powers of the President, except that of giving a casting vote in case of a tie, when he shall have voted as a Senator; but his power as such substitute shall not continue for a longer period than two days without leave of the Senate.

V. He shall assign to doorkeepers their respective duties and stations.

OF THE CLERK.

VI. The President and Clerk of the Senate shall see that all bills shall be acted upon by the Senate in the order in which they stand upon the Calendar, unless otherwise ordered as hereinafter provided. The Calendar shall include the number and title of bills and joint resolutions which have passed the House of Representatives and been received by the Senate for concurrence.

VII. He shall certify the passage of bills by the Senate, with the date thereof, together with the fact whether passed by a vote of three-fifths or two-thirds of the Senate whenever such vote may be required by the Constitution or laws of this State.

VIII. He shall transmit such bills as shall have originated in the Senate and been passed by both Houses, to the Secretary of State, and enter the same on the Journal.

OF THE RIGHTS AND DUTIES OF SENATORS.

IX. Every Senator presenting a paper shall indorse the same; if a petition, memorial or report to the General

Assembly, with a brief statement of its subject or contents, adding his name; if a resolution, with his name; if a report of a committee, a statement of such a report, with the name of the committee and member making the same; if a bill, a statement of its title, with his name.

X. All motions shall be reduced to writing if desired by the President or any Senator, delivered in at the table, and read by the President or Clerk, before the same shall be debated; but any such motion may be withdrawn at any time before decision or amendment.

XI. If any question contains several distinct propositions, it shall be divided by the President, at the request of any Senator: *Provided*, Each sub-division, if left to itself, shall form a substantive proposition.

XII. No member shall speak to another, or otherwise interrupt the business of the Senate, or read any newspaper while the Journals or public papers are being read; when the President is putting a question, or a division by counting shall be had, no Senator shall walk out of, or across the house, nor when a Senator is speaking, pass between him and the President.

XIII. Every Senator wishing to speak or debate, or to present a petition or other paper, or to make a motion or report, shall rise from his seat and address the President, and shall not proceed further until recognized by him. No Senator shall speak more than twice on the same day on the same subject without leave of the Senate; and when two or more Senators rise at once, the President shall name the Senator who is first to speak.

XIV. Every Senator who shall be within the bar of the Senate when a question is stated by the Chair, shall vote thereon unless he shall be excused by the Senate, or unless he be directly interested in the question; and the bar of the Senate shall include so much of the body of the Senate Chamber as is within the columns.

XV. When a motion to adjourn, or for a recess, shall be

affirmatively determined, no member or officer shall leave his place till the adjournment or recess shall be declared by the President.

STANDING COMMITTEES.

XVI. Standing committees consisting, unless otherwise ordered, of seven members, shall be appointed by the President on the following subjects :

1. On Propositions and Grievances.
2. On Privileges and Elections.
3. On Claims.
4. On Judiciary.
5. On Internal Improvements.
6. On Education.
7. On Military Affairs.
8. On Agriculture, Mechanics and Mining.
9. On Banks and Currency.
10. On Corporations.
11. On Finance.
12. On Insurance.
13. On Penal Institutions.

COMMITTEE ON ENGROSSED BILLS.

XVII. A Standing Committee on Engrossed Bills, to consist of three or more Senators, shall also be appointed by the President.

XVIII. The Committee on Engrossed Bills shall examine all bills, amendments and resolutions before they go out of the possession of the Senate, and make report when they find them correctly engrossed.

XIX. Every report of the Committee upon a bill or resolution which shall not be considered at the time of making the same, or laid on the table by a vote of the Senate, shall stand upon the General Orders with the bill or resolution.

OF GENERAL ORDERS AND SPECIAL ORDERS.

XX. The matters not referred to any committee shall be placed on the list of General Orders, and the bnsiness of the General Orders shall be taken up as follows, viz: The Clerk shall announce the title of each bill, with the printed number, or other matter as it shall be reached in its order, when it may be taken np on the motion of any Senator, without the putting of any qnestion therefor; but if not so moved, it shall lose its preference for the day.

XXI. Any bill or other matter may be made a Special Order for a particular day or hour by a vote of a majority of the Senators voting, and if it shall not be completed on that day, it shall be returned to its place in the General Orders, unless it shall be made a Special Order for another day; and when a Special Order is under consideration, it shall take precedence of any Special Order for a snbsequent hour of the same day; but such snbsequent Order may be taken np immediately after the previous Special Order has been disposed of.

OF BILLS.

XXII. Every bill shall be introduced by motion for leave or on the report of a committee, or by message from the House of Representatives.

XXIII. When a bill shall be reported by a committee, and not otherwise disposed of, the question shall be, "shall the report be received?" and when the report of such committee shall be received, and the bill not otherwise disposed of, the bill shall be placed npon the calendar.

XXIV. Every bill shall receive three readings previous to its being passed, and the President shall give notice at each, whether it be the first, second or third. After the first reading, unless a motion shall be made by some Senator, it shall be the duty of the President to refer the snbject matter to an ap-

propriate committee. No bill shall be amended until it shall have been twice read.

XXV. The question on the final passage of every bill shall be taken by yeas and nays, which shall be entered on the journal, and unless the bill receive the number of votes required by the Constitution to pass it, it shall be declared lost, if a constitutional quorum or the number necessary to pass such a bill be present and voting.

PROCEEDINGS WHEN THERE IS NOT A QUORUM VOTING.

XXVI. If, on taking the final question on a bill, it shall appear that a constitutional quorum is not present, or if the bill require a vote of a certain proportion of all the Senators to pass it, and it appears that such a number is not present, there shall be a call of the Senate, and if a quorum is ascertained to be present, the bill shall be again read and the final question taken thereon; if the bill fail a second time for the want of a quorum or for the want of the necessary number being present and voting, the bill shall not be finally lost, but shall be returned to the calendar in its proper order.

PRECEDENCE OF MOTION.

XXVII. When a question is before the Senate, no motions shall be received, except those herein specified; which motions shall have precedence as follows, viz:

1. For an Adjournment.
2. For the Previous Question.
3. For a Recess.
4. To Lay on the Table.
5. To Postpone Indefinitely.
6. To Postpone to a Day Certain.
7. To Commit to a Standing Committee.
8. To Commit to a Select Committee.
9. To amend.

THE PREVIOUS QUESTION.

XXVIII. The previous question shall always be as follows: "Shall the main question be now put?" and until it is decided shall preclude all debate. If this question shall be decided in the affirmative, the "main question" shall be on the passage of the bill, resolution or other matter under consideration; but when amendments are pending, the question shall be first taken upon such amendments in their order without further debate. If such question be decided in the negative, the main question shall be considered as remaining under debate.

OTHER QUESTIONS TO BE TAKEN WITHOUT DEBATE.

XXIX. The motions to adjourn and lay on the table shall be decided without debate, and the motion to adjourn shall always be in order when made by a Senator entitled to the floor.

XXX. The respective motions to postpone to a day certain, or commit, shall preclude debate on the main question.

XXXI. All questions relating to the priority of business shall be decided without debate.

XXXII. When the reading of a paper is called for, except petitions, and the same is objected to by any Senator, it shall be determined by a vote of the Senate, without debate.

XXXIII. Any Senator requesting to be excused from voting may make, either immediately before or after the vote shall have been called, and before the result shall have been announced, a brief statement of the reasons for making such request, and the question shall then be taken without debate.

QUESTIONS THAT REQUIRE A TWO-THIRDS VOTE.

XXXIV. No bill or resolution upon its second reading shall be acted upon out of the regular order in which it stands upon

the calendar, unless so ordered by a vote of two-thirds of the members present.

XXXV. No bill or resolution on its third reading shall be acted on out of the regular order in which it stands on the calendar, and no bill or resolution shall be acted upon on its third reading the same day on which it passed its second reading, unless so ordered by a vote of two-thirds of the Senators present.

XXXVI. No bill or resolution shall be sent from the Senate on the day of its passage, except on the last day of the session, unless by a vote of two-thirds of the Senators present.

### DECORUM IN DEBATE.

XXXVII. No remark reflecting personally upon the action of any Senator shall be in order in debate, unless preceded by a motion or resolution of investigation or censure.

XXXVIII. When a Senator shall be called to order, he shall take his seat until the President shall have determined whether he was in order or not; if decided to be out of order, he shall not proceed without the permission of the Senate, and every question of order shall be decided by the President subject to an appeal to the Senate by any Senator, and if a Senator be called to order for words spoken, the exceptional words shall be immediately taken down in writing, that the President or Senate may be better enabled to judge of the matter.

### MISCELLANEOUS RULES.

XXXIX. When a blank is to be filled, and different sums or times shall be proposed, the question shall be first taken on the highest sum or the longest time.

XL. When a question has been once put and decided, it shall be in order for any Senator who shall have voted in the majority, to move a reconsideration thereof; but no motion for the reconsideration of any vote shall be in order after the bill, res-

olution, message, report, amendment or motion, upon which the vote was taken, shall have gone out of the possession of the Senate. Nor shall any motion for reconsideration be in order unless made on the same day, or the next following legislative day on which the vote proposed to be reconsidered shall have taken place. Nor shall any question be reconsidered more than once.

XLI. All concurrent resolutions originating in the Senate, and that do not require three readings, shall lie on the table at least one day.

XLII. Any Senator introducing a bill to amend a law, shall repeat in said bill the section as it will stand if the proposed amendment be adopted.

XLIII. No smoking shall be allowed within the Senate Chamber duing the sessions.

XLIV. Senators and visitors shall uncover their heads upon entering the Senate Chamber while the Senate is in session, and shall continue uncovered during their continuance in the Chamber.

XLV. No Senator or officer of the Senate shall depart the service of the Senate without leave, or receive pay as a Senator or officer for the time he is so absent without leave.

XLVI. No person other than the Executive and Judicial officers of the State, members and officers of the Senate and House of Representatives, unless on invitation of the President, or by a vote of the Senate, shall be admitted within the bar.

XLVII. No rule of the Senate shall be altered, suspended or rescinded without a vote of a majority of all the Senators elected; and no motion to suspend shall embrace more than one rule, or relate to any other subject than the one specified in said motion.

XLVIII. In case a less number than a quorum of the Senate shall convene, they are hereby authorized to send the doorkeeper or any other person, for any or all absent Senators, as the majority of Senators present shall determine.

XLIX. The yeas and nays upon any question shall be taken and entered upon the Journal upon demand of one-fifth of the Senators present.

Mr. Waring moved that a message be sent to the House of Representatives proposing to raise a joint select committee, to consist of three on the part of the Senate and five on the part of the House, to prepare and report Joint Rules of Order for the government of the General Assembly. The motion prevailed, and a message was sent in accordance therewith.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of, as follows:

By Mr. Tucker: A bill to be entitled an act to provide for building common school houses. To the Committee on Education.

By Mr. McCauley: A bill to be entitled an act to amend sections 6 and 9, of chapter 37, of the private laws of North Carolina of 1873–'74. To the Committee on Banks and Currency.

By Mr. French: A bill to be entitled an act to punish accessories before the fact in the crimes of murder, arson, burglary and rape. To the Committee on Judiciary.

By Mr. Cantwell: A bill to be entitled an act to call a State Convention. To the Committee on Judiciary.

By Mr. McElroy: A bill to be entitled an act to amend section 382, chapter 3, title 15, Code of Civil Procedure. To the Committee on Judiciary.

By Mr. Jernigan: A bill to be entitled an act to amend chapter 65, section 9, of Battle's Revisal. To the Committee on Judiciary.

By Mr. Mabson: A bill to be entitled an act to raise the fees of constables in North Carolina. To the Committee on Propositions and Grievances.

By Mr. Stanford: A bill to be entitled an act to amend sec-

tion 6, chapter 91, Battle's Revisal. To the Committee on Judiciary.

By Mr. Waring: A bill to be entitled an act to incorporate the Gaston Mining Company. To the Committee on Corporations.

The following named resolutions were introduced, read and disposed of, as follows:

By Mr. Cantwell: Resolution on civil and State rights. Laid over under the rules.

By Mr. Mabson: Resolution in favor of promoting and increasing the education of the colored race. Laid over under the rules.

Mr. Parish introduced the following resolution, which was read and adopted:

*Resolved*, That the Secretary of State be requested to examine and report forthwith to the Senate the probable cost of printing a Manual of North Carolina, as required by a resolution ratified the 10th of February, 1874.

Mr. Stanford introduced the following resolution, which was read and adopted.

*Resolved*, That James T. Morehead, one of the Senators from the 24th Senatorial District, is hereby appointed President *pro tem*, until the return of the permanent President.

The consideration of resolutions being in order, resolution of instruction to Keeper of Capitol was read, and, on motion of Mr. Marler, indefinitely postponed.

A message was received from the House of Representatives informing the Senate that that body had concurred in the proposition to raise a Joint Select Committee to prepare Joint Rules of Order, and designating Messrs. Moring, Oaksmith, Staples, Carter and Boyd as the House branch thereof. The

chair designated Messrs. Waring, Albright and Sneed as the Senate branch of the committee.

A message was received from the House of Representatives, proposing to raise a Joint Select Committee to take into consideration the question of the pay of this General Assembly.

The proposition was concurred in, and the Chair designated Messrs. Stanford, Graham and Holton as the Senate branch of the committee.

Bills were acted on, under a suspension of the rules, as follows:

S. B. No. 19: A bill to be entitled an act to allow Clifton Ward, late sheriff of Sampson county, to collect arrears of taxes.

The bill was read second time.

Mr. Busbee moved to amend by adding to section 1 the words:

"*Provided*, That if any tax payer will make affidavit before a justice of the peace that he has paid said taxes, he shall not be compelled to pay the same: *Provided further*, That this act shall not apply to executors and administrators."

The amendment prevailed, and the bill passed second time.

The bill was then read and passed third time, the call of the roll being, by consent, dispened with on the final passage thereof.

S. B. No. 20: A bill to be entitled an act to authorize and empower the constable of Shelby, Cleaveland county, to collect arrearages of taxes.

The bill was read second time.

Mr. Stanford moved to amend by adding to section 1 the words:

"*Provided*, That if any tax payer will make affiidavit before a justice of the peace that he has paid said taxes, he shall not be compelled to pay the same: *Provided further*, That this act shall not refer to executors and administrators."

The amendment prevailed, and the bill passed second time.

The bill was then read and passed third time, the call of the roll being, by consent, dispensed with on the final passage thereof.

S. B. No. 18: A bill to be entitled an act to allow T. W. Taylor, late sheriff of Henderson county, to collect arrears of taxes.

The bill was read second time.

Mr. Stanford moved to amend by adding to section 1 the words:

"*Provided*, That if any tax payer will make affidavit that he has paid his taxes, he shall not be compelled to pay the same: *Provided further*, That this act shall not apply to administrators or executors."

The amendment prevailed, and the bill passed second time.

The bill was then read and passed third time. Yeas 42, nays none.

*Affirmative*—Messrs. Albright, Anderson, Boddie, Bryant, Busbee, Cantwell, Cashwell, Clement, N. S. Cook, French, Graham, Hargrave, Holton, Jenkins, Jernigan, Kerr, Latham, LeGrand, Linney, Love, Mabson, Marler, McCauley, McElroy, McMillan, Mills, Parish, Paschall, Pegram, Selby, Shaw, Smith, Sneed, Stanford, Stickney, Sugg, Waddell, Walker, Waring, Williamson, Worthy and Young—42.

*Negative*—None.

S. B. No. 17: A bill to be entitled an act to authorize the County Commissioners of Tyrrell county to sell the present poor house lot and to purchase another. Read and passed second and third times. Yeas 39, nays none.

*Affirmative.*—Messrs. Albright, Anderson, Bell, Boddie, Bryant, Busbee, Cantwell, Cashwell, Clement, N. S. Cook, French, Hargrave, Holton, Irwin, Jenkins, Jernigan, Kerr, Latham, LeGrand, Linney, Love, Mabson, Marler, McCauley, McElroy, McMillan, Mills, Parish, Paschall, Pegram, Selby, Shaw,

Sneed, Taylor, Tucker, Waddell, Waring, Williamson and Young—39.

*Negative*—none.

The following named bills, resolution and amendment reported as correctly engrossed by the Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence:

S. B. No. 3: A bill to be entitled an act for the relief of the tax-payers of New Hanover county.

S. R. No. 1: Resolution concerning amendments to the State Constitution.

Amendments to H. B. No. 14, S. B. No. 23: A bill to be entitled an act to repeal an act entitled an act to provide for the payment of interest on the lawful debt of the State.

On motion, the Senate adjourned until 11 A. M. to-morrow.

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## SIXTH DAY.

SENATE CHAMBER, November 21st, 1874.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

A message was sent to the House of Reprsentatives, informing that body that the Senate had concurred in the proposition to raise a Joint Select Committee on the pay of the present General Assembly, and designating Messrs. Stanford, Graham and Holton as the Senate branch thereof; also, that Messrs. Waring, Albright and Sneed constituted the Senate branch of the Joint Select Committee on Joint Rules of Order.

Reports from Standing Committees were submitted as follows:

From Committee on Judiciary:

By Mr. Busbee, S. B. No. 16: A bill to be entitled an act to amend Battle's Revisal, chapter 65, with a recommendation that it do pass.

Mr. Waring, from the Joint Select Committee to prepare Joint Rules of Order, made the following report, which was received, read and adopted, and ordered to be transmitted to the House of Representatives for concurrence, with a proposition to print the same:

JOINT RULES OF ORDER.

1. Each House shall transmit to the other all papers on which any bill or resolution shall be forwarded.

2. When a bill or resolution which shall have passed in one House, shall be rejected in the other, notice thereof shall be given to the House in which the same may have passed.

3. Messages from one House to the other, shall be communicated by their clerks respectively, unless the House transmitting the message shall specially direct otherwise.

4. It shall be in the power of either House to amend any amendment made by the other, to any bill or resolution.

5. In every case of difference between the two Houses, upon any subject of legislation, either House may request a conference, and appoint a committee for the purpose, and the other shall also appoint a committee to confer. The committee shall meet at such time and place as shall be appointed by the chairman of the committee, on the part of the House requesting such committee. The conferees shall state to each other verbally, or in writing, as either shall choose, the views of their respective Houses, and confer freely thereon. The committee shall report in writing, and shall be authorized to report such modifications or amendments as they may think advisable. But no committee on conference shall consider or report on any matters, except those directly at issue between the two Houses. The papers shall be left with the conferees of the House assenting to such conference, and they shall present the

report of the committee to their House; when such House shall have acted thereon, they shall transmit the same and the papers relating thereto, to the other with a message certifying its action thereon.

6. It shall be in order for either House to recede from any subject matter of difference existing between the two Houses, at any time previous to conference, whether the papers on which such difference arose, are before the House receding formally or informally, and on such vote to recede, the same number shall be required to constitute a quorum to act thereon and to assent to such receding, as was required on the original question out of which the difference arose.

7. All joint committees of the two Houses, and all committees of conference shall consist of three Senators and five members of the House of Representatives, unless otherwise specially ordered by concurrent resolution.

8. There shall be printed on joint order, unless otherwise specified, two hundred and twenty copies of all messages from the Governor, all reports of standing or select committees, and all reports or communications made in pursuance of law.

9. When the same document shall, by separate orders, be directed to be printed by both Houses, it shall be regarded as but one joint order, unless otherwise expressly directed by either House.

10. The Clerk of each House shall receive from the Public Printer all matter ordered by their respective Houses, and shall keep a book and enter therein the time of reception by him, of every such bill or document, and the number of copies received, and shall cause each and any of such bills or documents to be immediately placed upon the desks of the members.

11. The two hundred and twenty copies of messages from the Governor, reports of committees, and reports or communications made in pursuance of law, ordered to be printed by section eight, shall be distributed as follows: to the Senate,

seventy copies; to the House of Representatives, one hundred and fifty copies.

12. There shall be joint standing committees consisting of three members of the Senate, and five members of the House of Representatives, on the following subjects:

1. On Public Buildings and Grounds.
2. On Library.
3. On Deaf, Dumb and Blind Asylum.
4. On Insane Asylum.
5. On Enrolled Bills.
6. On Penal Institutions.
7. On Printing.
8. Banks and Currency.
9. Insurance.

The following named bills were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows:

By message from the House of Representatives, H. B. No. 28: A bill to be entitled an act to change the times of holding the courts in the third Judicial District. Placed on the calendar.

H. B. No. 20: A bill to be entitled an act to repeal an act entitled an act empowering the Board of Education of Davidson county to establish a Teachers' Institute or Norma School. To the Committee on Education.

By Mr. Parish: A bill to be entitled an act to require justices of the peace to give bond. To the Committee on Judiciary.

A bill to be entitled an act to secure the costs on appeals from courts of Justices of the Peace.

By Mr. McCauley: A bill to be entitled an act to incorporate Monroe High School, in the county of Union. To the Committee on Corporations.

By Mr. Marler: A bill to be entitled an act for the general

relief of sheriffs and tax collectors. To the Committee on Finance.

By Mr. Walker: A bill to be entitled an act to allow sheriffs and tax collectors to collect arrears of taxes. To the Committee on Judiciary.

By Mr. LeGrand: A bill to be entitled an act to amend section 1, chapter 62, laws of 1873–'74. To the Committee on Judiciary.

By Mr. Kerr: A bill to be entitled an act to amend section 19, chapter 65, of Battle's Revisal. To the Committee on Judiciary.

A bill to be entitled an act to repeal chapter 176, of the laws of 1873–'74. To the Committee on Judiciary.

By Mr. Stanford: A bill to be entitled an act concerning he taking of fish from the waters of Goshen Swamp in Du plin county. To the Committee on Propositions and Griev ances.

By Mr. Graham: A bill to be entitled an act in relation to Insurance Companies and other Corporations. To the Committee on Insurance.

By Mr. Busbee: A bill to be entitled an act concerning the Board of Commissioners of Wake county. To the Committee on Judiciary.

A bill to be entitled an act in relation to the Wake county Work House or House of Correction. To the Committee on Judiciary.

The following named resolutions were introduced, read and disposed of, as follows:

By Mr. C. M. Cooke: Resolution concerning secret sessions. Laid over under the rules.

By message from the House of Representatives, H. R. No. 5: Resolution raising committee on Constitutional Reform. Made special order for Monday next at 12 M.

Mr. Graham introduced the following resolution, which was read and adopted:

*Resolved*, That the Depnty Warden of the Penitentiary be directed to inform this body what regulations have been adopted in that institution concerning the time the convicts therein are required to labor each day.

Also, the following, which was also read and adopted:

*Resolved*, That the State Treasurer be requested to inform this body what valuation for taxation has been placed on the respective railroad, canal and telegraph companies in this State for the years 1871–'72–'73–'74; also amount and kind of tax (whether *ad valorem* income or of any other kind) collected from each one during said time. And further, what railroad, canal or telegraph companies have been exempted from taxation, and the reasons for such exemption.

The consideration of resolutions being in order, S. R. No. 23: Resolution for increasing and promoting the education of the colored race, was read and adopted:

S. R. No. 24: Resolution on civil and State rights. Made special order for 12 M. of January 7th, 1875.

A message was received from the House of Representatives, informing the Senate that that body had concurred in the report of the Joint Select Committee on Joint Rules of Order.

Leave of absence was granted to Mr. Sneed until Tuesday next.

The Chair appointed Messrs. Marler, Kerr and Waddell as a temporary Committee on Enrolled Bills.

Mr. McElroy reported that the Committee on Military Affairs had examined S. B. No. 9: A bill to be entitled an act concerning disabled soldiers, and recommended that the same be referred to the Committee on Propositions and Grievances. The recommendation of the committee was concurred in.

S. B. No. 16: A bill to be entitled an act to amend Battle's Revisal, chapter 33, was taken up, and under a suspension of

the rules, read and passed second and third times. Yeas 41, nays none.

*Affirmative*—Messrs. Albright, Anderson, Bell, Boddie, Busbee, Cantwell, Cashwell, Clement, C. M. Cooke, N. S. Cook, French, Graham, Hargrave, Jenkins, Jernigan, Kerr, Latham, LeGrand, Linney, Love, Mabson, Marler, McCauley, McElroy, McMillan, Mills, Parish, Pegram, Selby, Shaw Smith, Stanford, Stickney, Sugg, Taylor, Waddell, Walker. Waring, Williamson, Worthy and Young—41.

*Negative*—None.

On motion, the Senate adjourned until Monday at 11 A. M.

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## SEVENTH DAY.

SENATE CHAMBER, November 23rd, 1874.

The Senate met pursuant to adjournment.

Prayer by Rev. J. M. Atkinson.

The Journal of Saturday was read.

Mr. Cantwell presented a memorial from the Chamber of Commerce of the city of Wilmington, which was read and referred to the Committee on Education.

Reports from Standing Committees were submitted, as follows:

From Committee on Judiciary:

By Mr. Busbee, S. B. No. 36: A bill to be entitled an act in relation to Wake county work house or house of correction, with a recommendation that it do pass.

S. B. No. 37: A bill to be entitled an act concerning the Board of Commissioners of Wake county, with a recommendation that it do pass.

By Mr. C. M. Cooke, S. B. No. 29: A bill to be entitled an

act to amend section 382, chapter 3, title 15, Code of Civil Procedure, with a recommendation that it do not pass.

By Mr. Linney, S. B. No. 10: A bill to be entitled an act for a civil and criminal code, with a recommendation that it do not pass.

The following named bills were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows:

By Mr. Cantwell: A bill to be entitled an act to declare the meaning of the revenue law, and for the relief of L. Meginney, of Wilmington. To the Committee on Judiciary.

A bill to be entitled an act concerning certificates held by Geo. W. Hallock, of New York. To the Committee on Claims.

A bill to be entitled an act concerning land sold for taxes. To the Committee on Judiciary.

By Mr. LeGrand: A bill to be entitled an act to amend section 1, of chapter 31, laws of 1873-'74. To the Committee on Judiciary.

By Mr. Stickney: A bill to be entitled an act to amend section 25, chapter 104, of Battle's Revisal, in relation to bridges. To the Committee on Propositions and Grievances.

By Mr. Anderson: A bill to be entitled an act to amend section 2, chapter 94, laws of 1872-'73. To the Committee on Agriculture, Mechanics and Mining.

By message from the House of Representatives, H. B. No. 12: A bill to be entitled an act for the relief of the sureties of the late sheriff of Martin county. To the Committee on Propositions and Grievances.

H. B. No. 41, S. B. No. 57: A bill to be entitled an act to re-enact sections 25, 26 and 27, of chapter 32, of the Revised Code. To the Committee on Judiciary.

The following named resolutions were introduced, read and disposed of, as follows:

By Mr. Cantwell: Resolution of instruction to the Committee on Judiciary, &c., to consolidate legislative action in certain cases. Laid over under the rules.

By Mr. Busbee: Resolution concerning settees. Laid over under the rules.

By message from the House of Representatives, H. R. No. 14: A joint resolution concerning the direct tax levied and collected by the Federal Government on lands in the year 1865.

The question recurring on concurring in the resolution, Mr. Cantwell moved to amend by striking out the preamble.

The amendment did not prevail, and the resolution was concurred in.

Mr. Cantwell introduced the following resolution:

*Resolved*, That the Committee on Internal Improvements be instructed to inquire and report upon the matters charged in the memorial of H. W. Onderdonk, of New York, with instructions and power to send for persons and papers.

The question recurring on the adoption of the resolution, Mr. Stanford moved to amend by adding the following: "And that the Committee on Internal Improvements be authorized to employ clerical assistance."

Pending the consideration of this amendment, the further consideration of the resolution was, on motion of Mr. French, postponed until to-morrow.

The consideration of resolutions being in order, S. R. No. 43: Resolution providing that the question of the settlement or adjustment of the State debt shall not be considered except in secret session, was read and adopted.

At 12 M. the Senate proceeded to consider S. R. No. 42, H. R. No. 5: Resolution raising Committee on Constitutional Reform, it being the special order for that hour.

The question recurring on concurring in the resolution, Mr. Cantwell moved to amend by adding: "And this Committee be instructed to consider whether our present Constitution re-

quires any amendment, and if so, the most safe, certain, practical, speedy and economical mode."

The amendment did not prevail, and the resolution was concurred in.

Bills on second reading were acted on as follows:

S. B. No. 10: A bill to be entitled an act for civil and criminal code. The bill was read second time, and, on motion of Mr. Marler, was indefinitely postponed.

S. B. No. 29: A bill to be entitled an act to amend section 382, chapter 3, title 15, Code of Civil Procedure. The bill was read second time, and, on motion of Mr. Linney, was indefinitely postponed.

S. B. No. 36: A bill to be entitled an act in relation to the Wake county work house or house of correction. The bill was read and passed the second time.

On motion of Mr. Busbee, the rules were suspended, and the bill was read and passed the third time. Yeas 44; nays none.

*Affirmative*—Messrs. Albright, Anderson, Bell, Boddie, Bryan, Busbee, Cantwell, Cashwell, Clement, C. M. Cooke, French, Graham, Hargrave, Holton, Jenkins, Jernigan, Kerr, Latham, LeGrand, Linney, Love, Mabson, Marler, McCauley, McElroy, McMillan, Mills, Parish, Paschall, Pegram, Selby, Shaw, Smith, Stanford, Stickney, Sugg, Taylor, Tucker, Waddell, Walker, Waring, Williamson, Worthy and Young—44.

*Negative*—None.

S. B. No. 37: A bill to be entitled an act concerning the Board of Commissioners of Wake county. The bill was read second time.

Mr. Stanford moved to amend by striking out "six" and inserting "four."

The amendment prevailed, and the bill passed second time.

On motion, the rules were suspended, and the bill read third time.

Mr. Waring moved to amend by inserting "Mecklenburg" after "Wake."

The amendment prevailed, and the bill passed third time,

the yeas and nays being, by consent, dispensed with on the final passage thereof.

H. B. No. 28, S. B. 41: A bill to be entitled an act to change the times of holding the courts in the third Judicial District. The bill was read second time and referred to Committee on Judiciary.

The following named bills, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of Secretary of State:

An act for the relief of the tax-payers of New Hanover county;

An act to repeal an act to provide for the payment of the interest on the lawful debt of the State.

The following named bills and resolutions, reported as correctly engrossed by the Committee on Engrossed Bills, were duly ratified and transmitted to the House of Representatives:

S. B. No. 16: A bill to be entitled an act to amend Battle's Revisal, chapter 33.

S. B. No. 18: A bill to be entitled an act to allow T. W. Taylor, late sheriff of Henderson county, to collect the arrears of taxes for the years 1870–'71,–'72–'73, still due him as late sheriff of said county.

S. B. No. 20: A bill to be entitled an act to authorize and empower the constable of Shelby, Cleaveland county, to collect arrearages of taxes.

S. B. No. 19: A bill to be entitled an act to allow Clifton Ward, late sheriff of Sampson county, to collect the arrears of taxes for the year 1873, still due him as late sheriff of said county.

S. B. No. 17: A bill to be entitled an act to authorize the county commissioners of Tyrrell county to sell the present poor house lot and to purchase another.

S. R. No. 5: Resolution concerning the State debt.

S. R. No. 23: Resolution in favor of increasing and promoting the education of the colored race.

On motion, the Senate adjourned until 11 A. M. to-morrow.

## EIGHTH DAY.

SENATE CHAMBER, November 24th, 1874.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

Leave of absence was granted to Mr. Sugg until Tuesday next.

Reports from standing committees were submitted as follows:

From Committee on Propositions and Grievances:

By Mr. Latham, S. B. No. 56: A bill to be entitled an act to amend section 25, chapter 109, Battle's Revisal, with accompanying amendment.

S. B. No. 38: A bill to be entitled an act concerning the taking of fish from the waters of Goshen Swamp, in Duplin county, with a recommendation that it do pass.

From Committee on Finance:

S. B. No. 34: A bill to be entitled an act for the general relief of sheriffs and tax collectors, with an amendment in the nature of a substitute.

From Committee on Judiciary:

By Mr. Linney, S. B. No. 46: A bill to be entitled an act to allow sheriffs and tax collectors to collect arrears of taxes, with a recommendation that it do not pass.

By Mr. C. M. Cooke, S. B. No. 44: A bill to be entitled an act to amend section 9, chapter 65, of Battle's Revisal, with a recommendation that it do not pass.

The following named bills were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows:

By Mr. Parish: A bill to be entitled an act in relation to the North Carolina Manual. Placed on the calendar.

By Mr. Busbee: A bill to be entitled an act to incorporate

the Raleigh Savings Bank and Trust Company. To the Committee on Banks and Currency.

By Mr. Latham: A bill to be entitled an act to amend chapter 105, section 30, Battle's Revisal. To the Committee on Judiciary.

By Mr. Waddell: A bill to be entitled an act to amend an act entitled an act to raise revenue, chapter 227, laws of 1870'–71. To the Committee on Education.

By Mr. Kerr: A bill to be entitled an act to allow Clifton Ward, late sheriff of Sampson county, a credit of four hundred and ten dollars on his State taxes for the year 1874. To the Committee on Claims.

By Mr. C. M. Cooke: A bill to be entitled an act concerning keepers of hotels and public inns. To the Committee on Judiciary.

By Mr. Jenkins: A bill to be entitled an act to repeal section 3, chapter 176, laws of 1873–'74. To the Committee on Judiciary.

By Mr. Bell: A bill to be entitled an act for making valid certain irregular entries of lands. To the Committee on Judiciary.

A bill to be entitled an act in relation to public arms. To the Committee on Military Affairs.

By message from the House of Representatives, H. B. No. 18: A bill to be entitled an act to amend an act entitled an act to incorporate the Diamond Cotton Chopper and Cultivator Company. To the Committee on Judiciary.

H. B. No. 37: A bill to be entitled an act to re-enact and revive sections 115 and 116, of chapter 31, of Revised Code, concerning the removal of cases. To the Committee on Judiciary.

H. B. No. 27: A bill to be entitled an act to amend chapter 60, section 28, of Battle's Revisal. To the Committee on Judiciary.

The following named resolutions were introduced, read and disposed of, as follows:

By message from the House of Representatives, H. R. No. 8: Resolution asking appropriation by Congress for the construction of a court house and post office buildings in Greensboro' and Asheville, in this State. Concurred in.

H. R. No. 7: Resolution requesting our Senators and Representatives to obtain an appropriation from Congress to open the mouth of Scuppernong river. Concurred in.

H. R. No. 10: Resolution of instruction to our Senators and Representatives concerning the Cape Fear river bar. Concurred in.

H. R. No. 17: Resolution in regard to printing on all stationery used by the General Assembly the name of the House in which it is to be used. Concurred in.

H. R. No. 19: Resolution of instruction to the Senators and Representatives in Congress from North Carolina to secure indemnity for the destruction of the court house in Davidson county. Concurred in.

By Mr. Cashwell: Resolution concerning Battle's Revisal.

On motion, the rules were suspended, and the Senate proceeded to consider the resolution.

The resolution was read.

Mr. Latham moved to amend by adding the words, "Except such members as have heretofore been furnished by the State with a copy." The amendment prevailed.

Mr. Marler moved to amend by adding the words, "And one copy to every sheriff's office in the State." The amendment did not prevail.

Mr. French offered an amendment, in the nature of a substitute. The amendment prevailed, and the resolution was adopted.

The consideration of resolutions being in order, S. R. No. 59: Resolution of instruction to the Committee on the Judiciary, was read and laid on the table.

S. R. No. 60: Resolution concerning settees, was read and laid on the table.

The Senate then resumed the consideration of a resolution

of instruction to the Committee on Internal Improvements, introduced by Mr. Cantwell on yesterday.

The question recurring on the amendment heretofore offered by Mr. Stanford, it prevailed, and the question then recurring on the adoption of the resolution, it was adopted.

On motion, the Senate adjourned until 11 A. M. to-morrow.

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## NINTH DAY.

SENATE CHAMBER, November 25th, 1874.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

Leave ofabsence was granted to Mr. C. M. Cooke until Tuesday next.

Reports from Standing Committees were submitted, as follows:

From Committee on Finance:

By Mr. Stanford, S. B. No. 21: A bill to be entitled an act to fix the mileage and *per diem* of members and officers of the General Assembly of 1874–'75, with a recommendation that it be referred to the Joint Select Committee on Mileage and *Per Diem*. The recommendation of the Committee was concurred in.

From Committee on Judiciary:

By Mr. Busbee, S. B. No. 12: A bill to be entitled an act to amend section 14, chapter 63, Battle's Revisal, with a recommendation that it do not pass.

S. B. No. 51: A bill to be entitled an act to amend section 1, of chapter 31, laws 1873–'74, with a recommendation that it do pass.

By Mr. Linney, S. B. No. 26: A bill to be entitled an act to

amend section 6, chapter 91, Battle's Revisal, with an amendment, in the nature of a substitute.

From Committee on Propositions and Grievances:

By Mr. Latham, S. B. No. 27: A bill to be entitled an act to raise the fees of constables in North Carolina, with a recommendation that it do not pass.

S. B. No. 58, H. B. No. 12: A bill to be entitled an act for the relief of the sureties of the late sheriff of Martin county, with accompanying amendment.

The following named bills and resolutions were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows:

By message from the House of Representatives, H. B. No. 17: A bill to be entitled an act to amend chapter 106, section 15, of Battle's Revisal, and chapter 105, section 17, of the Revised Code. To the Committee on Judiciary.

H. B. No. 71: A bill to be entitled an act to extend the time of the sheriff of Beaufort county to settle with the Public Treasurer. Placed on the calendar.

H. R. No. 22: Resolution of instruction to our Senators and Representatives in Congress, touching the internal revenue laws of the United States. Concurred in.

H. R. No. 27: Resolution requesting our Senators and Representatives in Congress to use their influence to have repealed the tax on tobacco. Concurred in.

By Mr. Busbee: Resolution of instruction to Judiciary Committee. Laid over under the rules.

By Mr. Tucker: Resolution concerning court house at Newbern. Laid over under the rules.

By Mr. Waddell: Resolution of instruction to the Committee on Privileges and Elections. Adopted.

By Mr. Cantwell: Resolution concerning the survivors of the Mexican war. Laid over under the rules.

Bills on second reading were acted on as follows:

S. B. No. 38: A bill to be entitled an act concerning the

taking of fish from the waters of Goshen Swamp, in Duplin county. Read and passed second time.

S. B. No. 34: A bill to entitled an act for the general relief of sheriffs and tax collectors. The bill was read.

The question recurring on the amendment, in the nature of a substitute proposed by the Committee on Finance,

Mr. Cantwell moved to amend the same by adding to section 1 thereof the words, "and the sureties on the official bonds of such sheriffs and tax collectors shall be entitled to the benefit of the said act of 1873–'74."

Mr. Linney moved that the further consideration of the bill be postponed until the 27th instant. The motion to postpone prevailed.

H. B. No. 71: A bill to entitled an act to extend the time of the sheriff of Beaufort county to settle with the Public Treasurer. Read and passed second time.

On motion, the rules were suspended, and the bill was read and passed third time, the yeas and nays, by consent, being dispensed with.

S. B. No. 44: A bill to be entitled an act to amend section 19, chapter 65, of Battle's Revisal. Read second time and laid on the table.

S. B. No. 46: A bill to be entitled an act to allow sheriffs and tax collectors to collect arrears of taxes. Read and indefinitely postponed.

S. B. No. 56: A bill to be entitled an act to amend section 25, chapter 104, of Battle's Revisal, in relation to bridges. The bill was read. The amendments proposed by the Committee on Propositions and Grievances prevailed.

On motion, the further consideration of the bill was indefinitely postponed.

S. B. No. 77: A bill to be entitled an act in relation to the North Carolina Manual. Read and passed second time.

On motion, the rules were suspended, and the bill was read and passed third time, the yeas and nays being dispensed with by consent.

A message was received from the House of Representatives, proposing that when the General Assembly does adjourn, it adjourn to meet on Friday morning at 11 o'clock. The Senate concurred in the proposition, and the House of Representatives was notified thereof by message.

On motion, the Senate adjourned.

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## TENTH DAY.

SENATE CHAMBER, November 27th, 1874.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

Leave of absence was granted to Mr. Kerr until Monday the 7th December, and to Messrs. Waring, Williamson and Paschall until Tuesday next.

Reports from Standing Committees were submitted, as follows:

From Committee on Military Affairs:

By Mr. Graham, S. B. No. 69: A bill to be entitled an act in relation to public arms, with a recommendation that it do pass.

From Committee on Judiciary:

By Mr. Graham, S. B. No. 54: A bill to be entitled an act to declare the meaning of the revenue law, and for the relief of L. Meginney, of Wilmington, with a recommendation that it do not pass.

By Mr. Jernigan, S. B. No. 8: A bill to be entitled an act for the removal of causes civil or criminal in certain cases, with a recommendation that it do not pass.

S. B. No. 67, H. B. No. 37: A bill to be entitled an act to re-enact and revise section 115 and 116, chapter 31, of Revised Code, concerning removal of cases, with a recommendation that it do pass.

S. B. No. 45: A bill to be entitled an act to amend an act to prohibit the sale of cotton within certain hours, section 1, chapter 62, laws of 1873–'74, with an amendment, in the nature of a substitute.

From Committee on Agriculture, Mechanics and Mining:

By Mr. Selby, S. B. No. 50: A bill to be entitled an act to amend section 2, chapter 94, laws of 1872–'73, with a recommendation that it do not pass.

The following named bills and resolutions were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows:

By Mr. Stanford: A bill to be entitled an act to extend the time for removing improvements off of State lots in the city of Raleigh. To the Committee on Public Buildings and Grounds.

By Mr. Taylor: A bill to be entitled an act making it a misdemeanor to throw the dead body of any animal into any lake, pond or stream of running water in this State. To the Committee on Judiciary.

By Mr. Williamson: A bill to be entitled an act to repeal certain provisions in the revenue bill. To the Committee on Finance.

By Mr. Graham: A bill to be entitled an act to amend sections 13 and 15, chapter 64, Battle's Revisal. To the Committee on Judiciary.

By Mr. Cantwell: A bill to be entitled an act for the improvement and reclamation of certain swamp lands in New Hanover and other counties. To the Committee on Education. Ordered to be printed.

By Mr. Bell: A bill to be entitled an act for the relief of the tax-payers of Craven county. To the Committee on Propositions and Grievances.

By Mr. McCauley: A bill to be entitled an act to amend section 2, chapter 23, of Battle's Revisal, entitled constables. To the Committee on Judiciary.

A bill to be entitled an act to amend an act entitled an act

to amend section 14, chapter 105, of Battle's Revisal, passed by the General Assembly at its session of 1873-'74. To the Committee on Judiciary.

By Mr. Mills: A bill to be entitled an act to amend an act entitled an act to charter the Carolina Narrow Gauge Railroad, ratified February 8th, 1872. To the Committee on Internal Improvements.

By Mr. Jernigan: Resolution directing a r-epublication of Winston's Reports. Placed on the calendar.

The consideration of resolutions being in order, S. R. No. 78: Resolution concerning the survivors of the Mexican war, was read.

Mr. Stanford moved to amend by striking out the word "rebellion," and inserting the words "war between the States."

The amendment prevailed, and the resolution was adopted.

S. R. No. 80: Resolution of instruction to Judiciary Committee was read and rejected.

S. R. No. 81: Resolution concerning Custom House at Newbern, was read and adopted.

Mr. Latham, by consent, reported that the Committee on Propositions and Grievances had examined H. B. No. 86: A bill to be entitled an act for the relief of the tax-payers of Craven county, and recommended its passage, with the accompanying amendments.

On motion, the rules were suspended, and the Senate proceeded to consider the bill.

The bill was read second time.

The amendments proposed by the Committee on Propositions and Grievances did not prevail, and the bill passed second time. The bill was then read and passed third time, the yeas and nays being dispensed with by consent.

Bills on third reading were acted on as follows:

S. B. No. 38: A bill to be entitled an act concerning the taking of fish from the waters of Goshen Swamp, in Duplin county. The bill was read third time.

Mr. Stanford moved to amend by striking out the words "by any means," and inserting the words "by fire light."

The amendment prevailed, and the bill passed third time, the yeas and nays being dispensed with by consent.

Bills on second reading were acted on as follows:

S. B. No. 51: A bill to be entitled an act to amend section 1, of chapter 31, of laws of 1873-'74. The bill was read.

Mr. French moved to amend by adding to section 1 the words: "*Provided*, That the registration of the said mortgage shall not be any evidence on the said trial of the knowledge of the prisoner or prisoners of the existence of the same, unless the said prisoner or prisoners have seen the same upon the register."

Mr. Shaw moved to re-commit the bill to the Committee on Judiciary. The motion prevailed.

S. B. No. 12: A bill to be entitled an act to amend section 14, chapter 63, Battle's Revisal. Indefinitely postponed.

S. B. No. 26: A bill to be entitled an act to amend section 6, chapter 91, Battle's Revisal. The bill was read second time.

The amendment, in the nature of a substitute proposed by the Committee on Judiciary, prevailed, and the bill passed second time.

On motion the rules were suspended and S. R. No. 82: Resolution directing a re-publication of Winston's Reports, was read and passed second and third times.

The following named bills and resolutions, reported as correctly engrossed by the Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence:

S. B. No. 86: A bill to be entitled an act for the relief of the tax-payers of Craven county.

S. B. No. 36: A bill to be entitled an act in relation to the Wake county Work House or House of Correction.

S. B. No. 37: A bill to be entitled an act concerning the Board of Commissioners of Wake county.

S. R. No. 45 : Resolution providing that the question of the settlement or adjustment of the State debt shall not be considered except in secret session.

On motion, the Senate adjourned until 11 A. M. to morrow.

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## ELEVENTH DAY.

SENATE CHAMBER, November 28th, 1874.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

Leave of absence for one week was granted to Mr. N. S. Cook.

Reports from Standing Committees were submitted as follows :

From Committee on Judiciary :

By Mr. Busbee, S. B. No. 66, H. B. No. 27 : A bill to be entitled an act to amend chapter 60, section 28, of Battle's Revisal, with a recommendation that it do pass.

S. B. No 75 : A bill to be entitled an act to amend chapter 105, section 30, Battle's Revisal, with a recommendation that it do pass.

The following named bills and resolutions were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows :

By Mr. McCauley : A bill to be entitled an act to prevent the misapplication of the bonds, securities and other the property and effects of the State. To the Committee on Judiciary.

By Mr. Stanford : A bill to be entitled an act to establish the rate of interest, and repeal chapter 114 of Battle's Revisal. To the Committee on Banks and Currency.

By message from the House of Representatives, H. B. No.

2: A bill to be entitled an act to amend chapter 181, public laws of 1872–'73, entitled an act for amnesty and pardon, Battle's Revisal, chapter 4, section 6. To the Committee on Judiciary.

H. B. No. 21: A bill to be entitled an act to charter the Watauga and Caldwell Narrow Gauge Railroad. Placed on the calendar.

By Mr. Busbee: Resolution to allow the tax collector of Wake county to settle with the Treasurer. Placed on the calendar.

By Mr. Waddell: Resolution of instruction to the Committee on Judiciary. Adopted.

By Mr. Graham: Resolution concerning employing convict labor in draining swamp lands. Adopted.

Bills on second reading were acted on as follows:

S. B. No. 27: A bill to be entitled an act to raise the fees of constables in North Carolina. Read and indefinitely postponed.

S. B. No. 34: A bill to be entitled an act for the general relief of sheriffs and tax collectors.

The question recurring on the amendment heretofore offered by Mr. Cantwell to the amendment, in the nature of a substitute, proposed by the Committee on Finance,

Mr. Linney moved to amend the same by adding thereto the words:

"*Provided*, That any such surety claiming the benefits of this act shall before proceeding to collect such taxes, execute a bond in double the amount of the taxes to be collected, payable to the State in the same manner, and to the same effect in every respect, as that given by the sheriff or other tax collector."

The amendment prevailed. The question recurring on the amendment offered by Mr. Cantwell, it prevailed.

Mr. Latham moved so re-consider the vote just had.

Mr. French moved that the bill be re-committed to the Committee on Finance. The motion to re-commit prevailed.

S. B. No. 58, H. B., No. 66: A bill to be entitled an act for the relief of the sureties of the late sheriff of Martin county. The bill was read.

The amendment proposed by the Committee on Propositions and Grievances prevailed, and the bill passed second time.

On motion the rules were suspended, and the bill was read, and passed third time. Yeas 39, nays none.

*Affirmative.*—Messrs. Albright, Anderson, Bell, Boddie, Busbee, Cantwell, Cashwell, Clement, N. S. Cook, French, Graham, Holton, Irwin, Jenkins, Jernigan, Latham, LeGrand, Linney, Love, Mabson, Marler, McCauley, McElroy, McMillan, Mills, Parish, Pegram, Selby, Shaw, Smith, Sneed, Stanford, Stickney, Taylor, Tucker, Waddell, Walker, Worthy and Young—39.

*Negative.*—None.

Bills and resolutions were acted on, under a suspension of the rules, as follows:

S. B. No. 69: A bill to be entitled an act in relation to public arms.

Read and passed second and third times, the yeas and nays being dispensed with by consent.

S. R. No. 89: Resolution to allow the tax collector of Wake county to settle with the Treasurer.

Read and passed second and third times.

S. B. No. 103, H. B. No. 21: A bill to be entitled an act to charter the Watauga and Caldwell Narrow Gauge Railroad.

The bill was read second time.

Mr. Bell moved to amend by striking out the word "seclusive" in section 1.

Mr. Love moved that the bill be referred to the Committee on Internal Improvements. The motion prevailed.

The following bill, reported as correctly enrolled by Com-

mittee on Enrolled Bills, was duly ratified and transmitted to the office of the Secretary of State.

An act for the relief of the tax payers of Craven county.

The following named bills, amendments and resolutions, reported as correctly engrossed by the Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence :

S. R. No. 89 : Resolution to allow the tax collector of Wake county to settle with the Treasurer.

S. R. No. 88 : Resolution concerning Battle's Revisal.

S. B. No. 77 : A bill to be entitled an act in relation to North Carolina Manual.

Amendments to S. B. No. 58, H. B. No. 66 : A bill to be entitled an act for the relief of the sureties of the late sheriff of Martin county.

On motion, the Senate adjourned until 11 A. M. on Monday.

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## TWELFTH DAY.

SENATE CHAMBER, November 30th, 1874.

The Senate met pursuant to adjournment.

The Journal of Saturday was read.

Leave of absence was granted to Mr. Mabson until Saturday next.

Reports from Standing Committees were submitted as follows:

From Committee on Judiciary:

By Mr. Morehead, S. B. No. 51, H. B. No. 41 : A bill to be entitled an act to re-enact sections 24, 25, 26 and 27, of chapter 32, of the Revised Code, with a recommendation that it do pass.

S. B. No. 30 : A bill to be entitled an act to call a State

Convention, with a recommendation that the bill be referred to the Joint Select Committee on Constitutional Reform.

The recommendation was concurred in.

On motion, the bill was ordered to be printed.

From Committee on Education:

By Mr. Bell, S. B. No. 40, H. B. No. 20: A bill to be entitled an act to repeal an act entitled an act empowering the Board of Education of Davidson county to establish a Teacher's Institute or Normal School, with a recommendation that it do pass.

S. B. No. 74: A bill to be entitled an act to amend an act entitled an act to raise revenue, with an amendment in the nature of a substitute.

From Committee on Judiciary:

By Mr. Busbee, S. B. No. 47: A bill to be entitled an act to incorporate Monroe High School, in the county of Union, with a recommendation that it do pass.

A message was received from the House of Representatives, requesting that H. B. No. 2, S. B. No. 100: A bill to be entitled an act to amend chapter 181, public laws of 1872–'73, entitled an act for Amnesty and Pardon, Battle's Revisal, chapter 4, section 6, be returned to that body for correct engrossment.

The request was acceded to, and the bill was returned.

The following named bills and resolutions were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows:

By Mr. Linney: A bill to be entitled an act to provide sluices or passages for fish in mill dams, other dams or obstacles in the Catawba and Yadkin rivers. To the Committee on Judiciary.

By Mr. Love: A bill to be entitled an act to change the name of Charleston, the seat of justice of Swain county, to that of Coleman. To the Committee on Propositions and Grievances.

By Mr. Mills: A bill to be entitled an act to amend chapter

27, laws of 1873–'74. To the Committee on Propositions and Grievances.

By message from the House of Representatives, H. B. No. 122: A bill to be entitled an act to repeal part of section 135, chapter 32, Battle's Revisal, concerning trial of Solicitors by the Governor. Placed on the calendar.

H. B. No. 105: A bill to be entitled an act to amend an act to incorporate the Cape Fear Agricultural Association, ratified 12th of April, 1869. To the Committee on Corporations.

H. B. No. 106: A bill to be entitled an act to change the name of the North Carolina Iron and Steel Company. Placed on the calendar.

H. B. No. 64: A bill to be entitled an act for the relief of John Horton, former sheriff of Watauga county. To the Committee on Propositions and Grievances.

H. B. No. 56: A bill to be entitled an act to amend chapter 37, section 2, of laws of 1873–'74. To the Committee on Propositions and Grievances.

H. B. No. 47: A bill to be entitled an act for the relief of James W. Horton, tax collector of Watauga county. To the Committee on Propositions and Grievances.

H. B. No. 45: A bill to be entitled an act to amend section 84, chapter 32, Battle's Revisal, concerning retailing spirituous liquors. To to the Committee on Judiciary.

H. B. No. 39: A bill to be entitled an act to amend title 7, section 82, of the Code of Civil Procedure. To the Committee on Judiciary.

H. B. No. 30: A bill to be entitled an act to amend the charter of the Greenville and French Broad Railroad Company. To the Committee on Internal Improvements.

Ordered to be printed.

H. B. No. 16: A bill to be entitled an act amendatory of an act to lay out and construct a road through the counties of Alleghany and Ashe, ratified March 1st, 1870. To the Committee on Internal Improvements.

H. B. No. 13: A bill to be entitled an act to amend sections

264, 265, 270 and 273, of the Code of Civil Procedure. To the Committee on Judiciary.

H. R. No. 40: Resolution directing the Public Treasurer to pay the Public Printer. Placed on the calendar.

By Mr. Bell: A bill to be entitled an act to give landlords or their agents a lien, without written agreement, for provisions or stores furnished to tenants or lessees, upon the crops of such tenants or lessees. To the Committee on Judiciary.

By Mr. Linney: A bill to be entitled an act to better protect the reputation of innocent women. To the Committee on Judiciary.

A message was received from the House of Representatives, returning correctly engrossed copy of S. B. No. 100, H. B. No. 2: A bill to be entitled an act to amend chapter 181, laws of 1872-'73.

The following named resolutions were introduced, read, and disposed of, as follows:

By message from the House of Representatives, H. R. No. 39: Resolution in regard to collecting public arms. Concurred in.

Mr. Morehead introduced the following resolution, which was read and adopted:

*Resolved*, That the Judiciary Committee shall consist of thirteen members.

Bills on third reading were acted on as follows:

S. B. No. 26: A bill to be entitled an act to amend section 6, chapter 91, of Battle's Revisal. Read and passed third time, the yeas and nays being dispensed with by consent.

Bills on second reading were acted on as follows:

S. B. No. 45: A bill to be entitled an act to amend an act to prohibit the sale of cotton within certain hours, section 1, hapter 62, laws of 1873–'74. The bill was read. The question recurring on the amendment, in the nature of a substitute, proposed by the Committee on Judiciary.

Mr. Graham moved to amend the same by inserting the word "receive" after the word "sell" in line 11 thereof.

Mr. French moved that the bill be re-committed to the Committee on Judiciary. The motion to re-commit prevailed.

S. B. No. 54: A bill to be entitled an act to amend section 2, chapter 94, laws of 1872-'73. Read and indefinitely postponed.

S. B. No. 50: A bill to be entitled an act to declare the meaning of the revenue law, and for the relief of L. Meginney. Re-committed to the Committee on Judiciary.

S. B. No. 66, H. B. No. 27: A bill to be entitled an act to amend chapter 60, section 28, of Battle's Revisal. Read and passed second time.

S. B. No. 8: A bill to be entitled an act for the removal of causes, civil or criminal, in certain cases. Read and laid on the table.

S. B. No. 75: A bill to be entitled an act to amend chapter 105, section 30, Battle's Revisal. Read and passed second time.

S. B. No. 67, H. B. No. 37: A bill to be entitled an act to re-enact and revive sections 115 and 116 of chapter 31, of Revised Code, concurring the removal of cases. The bill was read.

Mr. Busbee moved to amend by adding to section 2 the following:

"*Provided*, That upon the removal of any cause under this act, the same shall be placed at the foot of the docket to which said cause is removed."

The amendment did not prevail.

Mr. Busbee moved to amend by adding the following to section 2:

*Provided*, That upon the removal of any civil cause under this act, the same shall be placed at the foot of the docket of the county to which said cause is removed."

The amendment did not prevail.

Mr. Cantwell moved to amend by adding to section 2 the following:

*Provided*, That no criminal case shall be removed except on the application of the defendant."

The amendment did not prevail.

Mr. Jernigan moved to amend by inserting 117 and 188 after 116 in section 1. The amendment prevailed and the bill passed second time.

Bills and resolutions were acted on, under a suspension of the rules, as follows:

S. B. No. 105, H. B. No. 102: A bill to be entitled an act to repeal part of section 135, chapter 32, of Battle's Revisal, concerning trial of Solicitors by the Governor. Read and passed second and third times, the yeas and nays being dispensed with by consent.

S. B. No. 106, H. B. No. 106: A bill to be entitled an act to change the name of the North Carolina Iron and Steel Company. Read and passed second and third times, the yeas and nays being dispensed with by consent.

S. R. No. 107, H. R. No. 40: Resolution directing the Public Treasurer to pay the Public Printer. Read and passed second and third times, the yeas and nays being dispensed with by consent.

The Chair announced the following Joint Standing Committees on the part of the Senate:

*Public Buildings and Grounds*—Messrs. McCauley, Boddie and Sneed.

*Library*—Messrs. LeGrand, French and Cashwell.

*Deaf and Dumb and Blind Asylum*—Messrs. Anderson, Busbee and Holton.

*Insane Asylum*—Messrs. Mills, Stanford and Waring.

*Enrolled Bills*—Messrs. Marler, Kerr and Waddell.

*Penal Institutions*—Messrs. Love, Young and Tucker.

*Printing*—Messrs. Linney, Morehead and French.

*Banks and Currency*—Messrs. Hargrave, Albright and Kerr.

*Insurance*—Messrs. Clement, Boddie and Cantwell.

The following bills and resolutions, reported as correctly enrolled by the Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

Resolution in regard to printing on all stationery used by the General Assembly the name of the house in which it is to be used.

Resolution of instruction to our Senators and Representatives in Congress concerning the Cape Fear river bar.

Resolution of instruction to the Senators and Representatives in the United States Congress from North Carolina.

A joint resolution asking an appropriation by the Congress of the United States for the construction of a court house and post office building in the cities of Greensboro' and Asheville.

Resolution of instruction to our Senators and Representatives in Congress touching the internal revenue laws of the United States.

An act to extend the time of the sheriff of Beaufort county to settle with the Public Treasurer.

Resolution requesting our Senators and Representatives in Congress to obtain an appropriation from the Congress of the United States to open the mouth of the Scuppernong river.

A resolution requesting our Senators and Representatives in Congress to use their influence to have repealed the tax on tobacco.

A resolution raising committee on constitutional reform.

A joint resolution concerning the direct tax levied and collected by the Federal Government on lands in the year 1865.

Resolution to allow the tax collector of Wake county to settle with the Treasurer.

On motion, the Senate adjourned until 11 A. M. to-morrow.

## THIRTEENTH DAY.

SENATE CHAMBER, December 1st, 1874.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

The credentials of Mr. W. W. Peebles, Senator elect from the Third Senatorial District, were presented, and he was duly qualified.

The Chair designated Messrs. C. M. Cooke, Morehead, McElroy, Linney, French, Busbee, Kerr and Cantwell as the Senate branch of the Joint-Select Committee on Constitutional Reform, and Messrs. Waddell, McCauley, French, Shaw, Kerr and McElroy as additional members of the Committee on Judiciary.

Reports from Standing Committees were submitted as follows:

From Committee on Judiciary:

By Mr. Linney, S. B. No. 82, H. B. No. 17: A bill to be entitled an act to amend chapter 106, section 15, Battle's Revisal, and chapter 105, section 17, of Revised Code, with accompanying amendment.

By Mr. Busbee, S. B. No. 49: A bill to be entitled an act to require justices of the peace to give bond, with an amendment, in the nature of a substitute.

By Mr. Morehead, S. B. No. 13: A bill to be entitled an act to establish a legal rate of interest and to prevent usury, with a recommendation that it be referred to the Committee on Banks and Currency. The recommendation was concurred in.

From Committee on Propositions and Grievances:

By Mr. Latham, S. B. No. 9: A bill to be entitled an act concerning disabled soldiers, with a recommendation that it do not pass.

S. B. No. 118, H. B. No. 56: A bill to be entitled an act to amend chapter 37, section 2, of laws of 1873–'74, with a recommendation that it do pass.

From Committee on Finance:

By Mr. Standford, S. B. No. 34: A bill to be entitled an act for the general relief of sheriffs and tax collectors, with a recommendation that it do pass.

The following named bills and resolutions were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows:

By Mr. Peebles: A bill to be entitled an act for the relief of the sheriff of Halifax connty and his sureties. Placed on the calendar.

By Mr. French: Resolution for relief of the Wilmington and Weldon Railroad Company. To the Committee on Claims.

By Mr. C. M. Cooke: A bill to be entitled an act to extend the time of the sheriff of Franklin county to settle with the State Treasurer. Placed on the calendar.

By Mr. Stanford: A bill to be entitled an act to change the office hours of the State Librarian during the sessions of the General Assembly. To the Committee on Library.

By Mr. Bell: A bill to be entitled an act to amend the charter of the town of Newport, Carteret county. To the Committee on Corporations.

By Mr. Albright: A bill to be entitled an act to amend chapter 105, of Battle's Revisal. To the Committee on Judiciary.

By Mr. Jenkins: A bill to be entitled an act to compromise and settle the public debt of the State. To the Committee on Public Debt. Ordered to be printed.

By Mr. Cantwell: A bill to be entitled an act for the relief of the sheriff of Bladen county. To the Committee on Finance.

The following named resolutions were introduced, read and disposed of, as follows:

By message from the House of Representatives, H. R. No. 2: Resolntion in relation to the Civil Rights Bill. The question recurring on concurring in the resolution, Mr. Cantwell

moved that the further consideration thereof be postponed for one week. The motion to postpone prevailed.

By Mr. Graham: Resolution concerning filing papers. Laid over under the rules.

By Mr. Albright: Resolution of instruction to Secretary of State. Adopted.

By Mr. Cantwell: Resolution concerning Freedman's Bank. The question recurring on the adoption of the resolution, Mr. Busbee offered an amendment, in the nature of a substitute.

Mr. Parish moved to amend the original resolution by adding thereto the words, "that said memorial be referred to the committee in the National Congress upon Banks and Currency."

Mr. Waddell moved that the resolution lie upon the table. The motion to table prevailed.

By Mr. Parish: Resolution to amend the Rules of Order of the Senate. The question recurring on the adoption of the resolution,

Mr. Graham moved that the resolution be referred to the Select Committee on Rules of Order.

Mr. Linney moved that the further consideration of the resolution be indefinitely postponed. The motion to postpone prevailed.

By Mr. Waring: Resolution to appoint a Joint Select Committee on Battle's Revisal. Laid over under the rules.

Resolution of instruction to the Attorney General. Adopted.

Bills on third reading were acted on as follows:

S. B. No. 66, H. B. No. 27: A bill to be entitled an act to amend chapter 60, section 28, of Battle's Revisal. Read and passed third time. Yeays 41; nays none.

*Affirmative*—Messrs. Albright, Anderson, Bell, Boddie, Bryan, Busbee, Cantwell, Cashwell, Clement, C. M. Cooke, French, Graham, Holton, Irwin, Jenkins, Latham, LeGrand, Linney, Love, Marler, McCauley, McElroy, McMillan, Mills, Morehead, Parish, Paschall, Peebles, Pegram, Selby, Shaw,

Stickney, Sugg, Taylor, Tucker, Waddell, Walker, Waring, Williamson, Worthy and Young—41.

*Negative*—None.

S. B. No. 67, H. B. No. 37: A bill to be entitled an act to re-enact and revive sections 115 and 116, of chapter 31, of Revised Code, concerning the removal of cases. The bill was read.

Mr. Morehead moved to amend by inserting the following as an additional section:

"SEC. 3. That all orders heretofore made by any Court of competent jurisdiction removing actions, civil or criminal, and all proceedings had in any action so removed, are hereby legalized and made as valid as if that act had been in force at the time such orders were made or proceedings had."

The amendment prevailed, and the bill passed third time, the yeas and nays being dispensed with by consent.

S. B. No. 75: A bill to be entitled an act to amend chapter 105, section 30, Battle's Revisal. Read and passed third time, the yeas and nays being dispensed with by consent.

Bills were acted on under a suspension of the rules, as follows:

S. B. No. 40, H. B. No. 20: A bill to be entitled an act to repeal an act entitled an act to authorize the Board of Education of Davidson county to establish a Teacher's Institute or Normal School. Read and passed second and third times, the yeas and nays being dispensed with by consent.

S. B. No. 47: A bill to be entitled an act to incorporate Monroe High School, in the county of Union. The bill was read second time.

Mr. McCauley moved to amend by striking out all of section 2 after the word otherwise, in line 4 thereof, and inserting in lieu thereof the words, "such vacancy may be filled at any general or called meeting of the corporators by a majority of corporators present, provided the same shall constitute a quo-

rum." The amendment prevailed, and the bill passed second time. The bill was then read and passed third time, the yeas and nays being dispensed with by consent.

S. B. No. 74: A bill to be entitled an act to amend an act entitled an act to raise revenue. Referred to the Committee on Finance.

S. B. No. 122: A bill to be entitled an act to extend the time of the sheriff of Franklin county to settle with the State Treasurer. Read and passed second and third times, the yeas and nays being dispensed with by consent.

S. B. No. 123: A bill to be entitled an act for the relief of the sheriff of Halifax county and his sureties. Read and passed second and third times, the yeas and nays being dispensed with by consent.

S. B. No. 34: A bill to be entitled an act for the general relief of sheriffs and tax collectors. The question recurring on the amendment, in the nature of a substitute, heretofore offered by the Committee on Finance, it did not prevail, and the bill passed second time. The bill was then read and passed third time, the yeas and nays being dispensed with by consent.

S. B. No. 57, H. B. No. 41: A bill to be entitled an act to re-enact sections 24, 25, 26 and 27, of chapter 32, of the Revised Code. Read and passed second and third times. Yeas 40, nays none.

*Affirmative*—Messrs. Albright, Anderson, Bell, Boddie, Bryant, Cantwell, Cashwell, Clement, C. M. Cooke, French, Graham, Hargrave, Irwin, Jenkins, Jernigan, Latham LeGrand, Linney, Love, Marler, McElroy, McMillan Morehead, Parish, Paschal, Peebles, Pegram, Selby, Shaw, Smith, Sneed, Stanford, Stickney, Taylor, Tucker, Waddell, Walker, Williamson, Worthy and Young—40.

*Negative*—None.

Mr. Linney moved to re-consider the vote just had, and to make the consideration of that motion special order for 12 M to-morrow. The motion to make special order prevailed.

The following bills and resolutions reported as correctly en-

rolled by the Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

An act to repeal a part of section 135, chapter 32, of Battle's Revisal, concerning trials of Solicitors by the Governor for failure to prosecute bribery cases.

Resolution concerning the State debt.

An act to allow T. W. Taylor, late sheriff of Henderson county, to collect arrear taxes for the years 1870–'71–'72–'73.

An act to allow Clifton Ward, late sheriff of Sampson county, to collect the arrear taxes for the year 1873.

An act to authorize and empower the constable of the town of Shelby, Cleaveland county, to collect arrearages of taxes.

The following named bills, amendments and resolutions, reported as correctly engrossed by the Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence:

S. B. No. 123: A bill to be entitled an act for the relief of the sheriff of Halifax county and his sureties.

S. B. No. 122: A bill to be entitled an act to extend the time of the sheriff of Franklin county to settle with the Treasurer.

On motion, the Senate adjourned until 11 A. M. to-morrow.

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## FOURTEENTH DAY.

SENATE CHAMBER, December 2nd, 1874.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

A message was sent to the House of Representatives informing that body that the Senate had concurred in the resolution to raise a Joint Select Committee on Constitutional Reform,

and designating Messrs. C. M. Cooke, Morehead, McElroy, Linney, French, Busbee, Kerr and Cantwell.

The Chair announced a communication from S. L. French, the President of the Cape Fear Agricultural Association, inviting the General Assembly to attend the approaching fair to be given under the auspices of said Association, which was read; whereupon

Mr. Albright, by consent, introduced a resolution of thanks, which was read, unanimously adopted and ordered to be transmitted to the House of Representatives for concurrence, together with the invitation. The resolution and invitation were so transmitted.

Reports from Standing Committees were submitted as follows:

From Committee on Internal Improvements:

By Mr. Waring, S. B. No. 103: A bill to be entitled an act amendatory of an act to lay out and construct a road through the counties of Alleghany and Ashe, ratified March 1st, 1870, with a recommendation that it do pass.

S. B. No. 103, H. B. No. 21: A bill to be entitled an act to charter the Watauga and Caldwell Narrow Gauge Railroad, with accompanying amendment.

S. B. No. 22: A bill to be entitled an act concerning the Wilmington and Weldon Railroad, and Wilmington and Raleigh Railroad and other Companies, with a recommendation that it do pass.

From Committee on Judiciary:

By Mr. Linney, S. B. No. 54: A bill to be entitled an act to declare the meaning of the revenue law, and for the relief of L. Meginney, of Wilmington, with a recommendation that it do not pass.

S. B. No. 70: A bill to be entitled an act for making valid certain irregular entries of lands, with a recommendation that it do pass.

By Mr. C. M. Cooke, S. B. No. 14: A bill to be entitled an act to give justices of the peace jurisdiction in proceedings in

the nature of forcible entry and detainer, with a recommendation that it do pass.

S. B. No. 68, H. B. No. 18: A bill to be entitled an act to amend an act entitled an act to incorporate the Diamond Cotton Chopper and Cultivator Company, with a recommendation that it be referred to the Committee on Corporations. The recommendation was concurred in.

By Mr. Jernigan, S. B. No. 45: A bill to be entitled an act to amend an act to prohibit the sale of cotton within certain hours, with an amendment in the nature of a substitute.

By Mr. Morehead, S. B. No. 11: A bill to be entitled an act concerning the sale of deadly poisons, with accompanying amendment.

From Committee on Finance:

By Mr. Stanford, S. B. No. 124: A bill to be entitled an act for the relief of the sheriff of Bladen county, with an amendment in the nature of a substitute.

From Committee on Proposition and Grievances:

By Mr. Latham, S. B. No. 121: A bill to be entitled an act to amend chapter 27, laws of 1873–'74, with a recommendation that it do pass.

S. B. No. 103: A bill to be entitled an act to change the name of Charleston, the seat of justice of Swain county, to that of Coleman, with a recommendation that it do pass.

S. B. No. 117, H. B. No. 47: A bill to be entitled an act for the relief of James W. Horton, tax-collector of Watauga county, with a recommendation that it do not pass.

S. B. No. 119, H. B. No. 64: A bill to be entitled an act for the relief of John Horton, former sheriff of Watauga county, with a recommendation that it do not pass.

From Committee on Banks and Currency:

By Mr. C. M. Cooke, S. B. No. 33: A bill to be entitled an act to amend sections 6 and 7, of chapter 37, of private laws of 1873–'74, with a recommendation that it do pass.

S. B. No. 13: A bill to be entitled an act to establish a legal

rate of interest and to prevent usury, with an amendment in the nature of a substitute.

S. B. No. 101: A bill to be entitled an act to establish the rate of interest and repeal chapter 114, of Battle's Revisal, with an amendment in the nature of a substitute.

Mr. Stanford also submitted a report, stating that a minority of the Committee favored the passage of this bill.

The following named bills were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows:

By message from the House of Representatives:

H. B. No. 62: A bill to be entitled an act to amend chapter 246, of laws of 1870–'71. To the Committee on Judiciary.

H. B. No. 52: A bill to be entitled an act to amend section 15, chapter 104, Battle's Revisal, entitled Roads, Ferries and Bridges. To the Committee on Internal Improvements.

H. B. No. 123: A bill to be entitled an act to regulate the times of holding the terms of the Superior Court of Cumberland county. To the Committee on Propositions and Grievances.

H. B. No. 81: A bill to be entitled an act to repeal section 3, chapter 176, of the public laws of 1873–'74. To the Committee on Judiciary.

H. B. No. 130: A bill to be entitled an act for the relief of the sheriff of Mitchell county. To the Committee on Propositions and Grievances.

H. B. No. 80: A bill to be entitled an act to extend the time for sheriffs and tax collectors to collect arrears of taxes. To the Committee on Propositions and Grievances.

H. B. No. 85: A bill to be entitled an act to repeal chapter 54, laws of 1871–'72. To the Committee on Judiciary.

H. B. No. 88: A bill to be entitled an act to amend chapter 104, section 15, of Battle's Revisal. To the Committee on Judiciary.

H. B. No. 26: A bill to be entitled an act concerning the homestead exemption. To the Committee on Propositions and Grievances.

H. B. No. 89: A bill to be entitled an act to amend section 1, chapter 32, of laws of 1872–'73. To the Committe on Propositions and Grievances.

H. B. No. 120: A bill to be entitled an act to extend the time for the sureties of John L. Harris, late sheriff of Person county, to settle with the State Treasurer. Placed on the calendar.

By Mr. Waring: A bill to be entitled an act concerning the conveyance of convicts to the Penitentiary. To the Committee on Finance.

By Mr. Bell: A bill to be entitled an act to prevent obstructions to the navigation of Newport river. To the Committee on Propositions and Grievances.

By Mr. Clement: A bill to be entitled an act to incorporate the Yadkin River and Wilkesboro Navigation Company. To the Committee on Corporations.

The following named resolutions were introduced, read and disposed of, as follows:

By message from the House of Representatives:

H. R. No. 46: Resolution to improve the harbor of Edenton. Concurred in.

H. R. No. 37: Resolution to appoint Joint Select Committee to make list of bonds and coupons in the Treasurer's office. Concurred in.

By Mr. Waring: Resolution to amend the joint rules of order. Laid over under the rules.

By Mr. Hargrave: Resolution on adjournment. Laid over under the rules.

By Mr. Sneed: Resolution of instruction to Committee on Judiciary. Referred to a Select Committee to consist of three Senators.

By Mr. Mills: Resolution of instruction to the Committee on Propositions and Grievances. Adopted.

The consideration of resolutions being in order, S. R. No. 129: Resolution in regard to filing papers, was read and adopted.

S. R. No. 126: Resolution to raise a Joint Select Committee on Battle's Revisal, was read and adopted.

At 12 M. the Senate proceeded to consider the special order for that hour, to-wit, the motion to re-consider the vote by which S. B. No. 57, H. B. No. 41: A bill to be entitled an act to re-enact sections 24, 25, 26 and 27, of chapter 32, of the Revised Code, passed third time.

Mr. Linney moved that the further consideration of the motion be indefinitely postponed. The motion prevailed.

Bills and resolutions were acted on, under a suspension of the rules, as follows:

S. B. No. 137, H. B. No. 120: A bill to be entitled an act to extend the time of the sureties of Jno. L Harris, late sheriff of Person county, to settle with the State Treasurer. Read and passed second and third times, the yeas and nays being dispensed with by consent.

S. R. No. 138: Resolution to amend Joint Rules of order. Read and adopted.

S. B. No. 124: A bill to be entitled an act for the relief of the sheriff of Bladen county.

The bill was read second time, the amendment, in the nature of a substitute, proposed by the Committee on Finance prevailed, and the bill passed second time.

The bill was then read and passed third time, the yeas and nays being dispensed with by consent.

S. R. No. 136: Resolution on adjournment. The resolution was read.

Mr. C. M. Cooke moved to amend by striking out all after the word "at" in line 3, and inserting in lieu thereof the words: "*sine die* on the 22nd instant."

The amendment did not prevail.

Mr. Cantwell moved to amend by striking out the words "Tuesday the 15th," and in lieu thereof "the 13th," and by striking out the words "Monday the 4th day of January" and inserting in lieu thereof the words "15th of January."

Mr. Cooke moved that the resolution be laid on the table.

The motion did not prevail.

Mr. Busbee moved to amend by inserting the "21st instant" in lieu of the "15th instant," and by inserting the "3rd Monday in January" in lieu of the "4th day of January."

Mr. Love moved that the resolution be laid on the table.

The motion did not prevail.

Mr. Morehead moved that the further consideration of the resolution be postponed until Friday next at 12 M., and made special order for that hour.

The motion did not prevail.

Mr. Linney moved the previous question, and the Senate ordered the main question to be put.

Mr. Morehead called for a division of the question.

The question recurring then first on the motion to strike out "Tuesday the 15th instant," it prevailed.

The question then recurring on the motion to insert the "21st instant," it prevailed.

Mr. Sneed moved to reconsider the vote just had.

The motion did not prevail.

The question then recurring on the motion to strike out the 4th day of January, it prevailed.

The question then recurring on the motion to insert the 3rd Monday of January,

Mr. Morehead, by consent, moved to insert 3rd Monday of November.

The motion did not prevail.

Mr. C. M. Cooke, by consent, moved to insert 3rd Monday of May.

The motion did not prevail.

Mr. Love, by consent, moved to insert 3rd Monday of February.

The motion did not prevail, and the question recurring on the motion to insert 3rd Monday of January, it prevailed.

The question then recurring on the adoption of the resolu-

tion, the yeas and nays were ordered, on demand of Mr. Waring, and the resolution was adopted. Yeas 34, nays 12.

*Affirmative.*—Messrs. Anderson, Bell, Boddie, Bryant, Busbee, Cashwell, Clement, French, Graham, Hargrave, Irwin, Jenkins, Jernigan, Latham, LeGrand, Linney, Marler, McMillan, Mills, Parish, Paschall, Peebles, Pegram, Selby, Shaw, Smith, Sneed, Stanford, Stickney, Sugg, Tucker, Walker, Williamson and Worthy.—34.

*Negative.*—Messrs. Albright, Cantwell, C. M. Cooke, Holton, Love, McCauley, McElroy, Morehead, Taylor, Waddell, Waring and Young.—12.

The following bill, reported as correctly enrolled by Committee on Enrolled Bills, was duly ratified and transmitted to the office of the Secretary of State.

An act for the relief of the securities of W. W. Moore.

The following named bills, amendments and resolutions, reported as correctly engrossed by the Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence:

S. R. No. 81: Resolution concerning Custom House at New bern.

S. B. No. 69: A bill to be entitled an act in relation to public arms.

S. R. No. 78: Resolution concerning the survivors of the Mexican war.

S. R. No. 87: Resolution directing a re-publication of tion of Winston's Reports.

S. B. No. 124: A bill to be entitled an act for the relief of the sheriff of Bladen county.

S. B. No. 38: A bill to be entitled an act concerning the taking of fish from the waters of Goshen Swamp.

On motion, the Senate adjourned until 11 A. M. to-morrow.

## FIFTEENTH DAY.

SENATE CHAMBER, December 3rd, 1874.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

A message was received from the House of Representatives, informing the Senate of the appointment of the Joint Standing Committee on the part of the House, and also informing the Senate that the House of Representatives had concurred in the resolution to raise a Joint Select Committee on the Public Debt, and designating Messrs. Mendenhall, Irwin, Moring, Tate, McRae, Bryson, Mullen, Candler, Richardson, Munden, Barrett and Foote as the House Branch thereof.

The Chair designated Messrs. Peebles, Jernigan and Taylor as the Select Committee on the affairs of the Roanoke Navigation Company.

Leave of absence was granted to Mr. Tucker from Friday next until Tuesday next.

Reports from Standing Committees were submitted as follows:

From Committee on Judiciary:

By Mr. Busbee, S. B. No. 51: A bill to be entitled an act to amend section 1, of chapter 31, laws of 1873–'74, with accompanying amendment.

By Mr. McElroy, S. B. No. 94: A bill to be entitled an act making it a misdemeanor to throw the dead body of any animal into any lake, pond or stream of running water in this State, with a recommendation that it do not pass.

By Mr. French, S. B. No. 96: A bill to be entitled an act to amend section 2, chapter 23, of Battle's Revisal, entitled constables, with a recommendation that it do pass.

By Mr. Morehead, S. B. No. 72: A bill to be entitled an act concerning keepers of hotels and public inns, with accompanying amendments.

S. B. No. 134: A bill to be entitled an act to amend chapter 105, of Battle's Revisal, with an amendment in the nature of a substitute.

By Mr. McCauley, S. B. No. 116, H. B. No. 45: A bill to be entitled an act to amend section 84, chapter 32, Battle's Revisal, with accompanying amendments.

From Committee on Claims:

By Mr. Williamson, S. B. No. 73: A bill to be entitled an act to allow Clifton Ward, late sheriff of Sampson county, a credit of four hundred and two dollars on State taxes for the year 1874, with a recommendation that it do pass.

S. R. No. 131: Resolution for relief of the Wilmington and Weldon Railroad Company, with a recommendation that it do pass.

From Committee on Propositions and Grievances:

By Mr. Latham, S. B. No. 153, H. B. No. 123: A bill to be entitled an act to regulate the times of holding the terms of the Superior Court of Cumberland county, with accompanying amendment.

S. B. No. 147, H. B. No. 26: A bill to be entitled an act concerning the homestead exemption, with a recommendation that the same be referred to the Committee on Judiciary.

The recommendation was concurred in.

S. B. No. 151, H. B. No. 130: A bill to be entitled an act for the relief of the sheriff of Mitchell county, with a recommendation that it do not pass.

The bill was indefinitely postponed.

S. B. No. 146, H. B. No. 89: A bill to be entitled an act to amend section 1, chapter 32, of laws of 1872–'73, with a recommendation that it do pass.

S. B. No. 150, H. B. No. 80: A bill to be entitled an act to extend the time for sheriffs and tax collectors to collect arrears of taxes, with a recommendation that it do not pass.

The bill was definitely postponed.

The following named bills were introduced, read and passed

first time, and were referred, or otherwise disposed of, as follows:

By Mr. Hargrave: A bill to be entitled an act to amend chapter 105, section 28, sub-division 37, Battle's Revisal. To the Committee on Judiciary.

By Mr. Waring: A bill to be entitled an act amending the Constitution, requiring a poll tax as a qualification to vote. To the Committee on Constitutional Reform.

By Mr. Morehead: A bill to be entitled an act for the benefit of disabled North Carolina soldiers. To the Committee on Finance.

By Mr. Bell: A bill to be entitled an act to extend the time of payment on certain entries of vacant lands.

Bills on second reading were acted on as follows:

S. B. No. 9: A bill to be entitled an act concerning disabled soldiers. The bill was read.

Mr. Cantwell offered an amendment, in the nature of a substitute.

Mr. Jenkins moved to amend the amendment by adding thereto the words:

"*Provided*, That this act shall not extend to soldiers who served in the Federal army or any Confederate soldier who has heretofore received from the State a leg or arm, or commutation therefor."

Mr. C. M. Cooke moved that the bill be referred to the Committee on Judiciary, with instructions to report a bill granting and furnishing artificial limbs to disabled soldiers of North Carolina who served in the Confederate army and lost their limbs in consequence of such service.

Mr. Williamson moved that the bill lie upon the table.

Mr. C. M. Cooke moved the previous question, and the Senate ordered the main question to be put.

The question then recurring on the amendment offered by Mr. Jenkins, it prevailed.

The question then recurring on the amendment, in the nature of a substitute, offered by Mr. Cantwell, it did not prevail.

The question then recurring on the passage of the bill on its second reading, the bill failed to pass.

Mr. Stanford moved to reconsider the vote just had, and to make the consideration of that motion the special order for 11½ A. M. to-morrow. The motion to make special order prevailed.

S. B. No. 11: A bill to be entitled an act to prevent the sale of deadly poisons. The bill was read second time. The question then recurring on the amendment offered by the Committee on Judiciary,

Mr. Cantwell moved that the bill lie upon the table.

Mr. Morehead moved the previous question, and the Senate ordered the main question to be put.

The question recurring on the amendment offered by the Committee on Judiciary, it prevailed.

The question then recurring on its passage, the bill passed second time.

S. B. No. 13: A bill to be entitled an act to establish a legal rate of interest and to prevent usury. Made special order for 12 M. of Wednesday next.

S. B. No. 14: A bill to be entitled an act to give justices of the peace jurisdiction in proceedings in the nature of forcible entry and detainer. Read and passed second time.

S. B. No. 22: A bill to be entitled an act concerning the Wilmington and Weldon Railroad and the Wilmington and Raleigh Railroad and other companies. Read and passed second time.

The following named bils, amendments and resolutions, reported as correctly engrossed by the Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence:

Amendments to S. B. No. 67, H. B. No. 57: A bill to be entitled an act to re-enact and revive sections 115 and 116, of chapter 31, of the Revised Code, concerning removal of cases.

S. R. No. 129: Resolution in relation to filing papers.

S. B. No. 47: A bill to be entitled an act to incorporate Monroe High School, in Union county.

S. B. No. 75: A bill to be entitled an act to amend chapter 105, section 30, Battle's Revisal.

The following bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

An act to change the name of "The North Carolina Steel Rail Company."

Resolution directing the Public Treasurer to pay Public Printer.

Resolution in regard to the conditon of public arms.

On motion, the Senate adjourned until 11 A. M. to-morrow.

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## SIXTEENTH DAY.

SENATE CHAMBER, December 4th, 1874.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

Leave of absence was granted to Mr. French until Tuesday next.

The Chair announced Messrs. Waring, Hargrave, Latham, Jenkins, Peebles, Taylor and Worthy as the Senate Branch of the Joint Select Committee on the Public Debt.

The following named bills and resolutions, reported as correctly enrolled by the Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

An act to amend chapter 60, section 28, of Battle's Revisal.

An act to repeal an act entitled an act empowering the Board of Education for Davidson county to establish a Teachers' Institute or Normal School.

The following named bills and resolutions, reported as correctly engrossed by the Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence:

S. R. No. 138: Resolution to amend the Joint Rules of Order;

S. B. No. 34: A bill to be entitled an act for the general relief of sheriffs and tax-collectors;

S. R. No. 136: Resolution on adjournment;

S. R. No. 126: Resolution to raise a Joint Select Committee on Battle's Revisal.

Reports from Standing Committees were submitted as follows:

From Committee on Judiciary:

By Mr. Linney, S. B. No. 48: A bill to be entitled an act to secure the costs on appeals from courts of justices of the peace, with a recommendation that it do not pass.

By Mr. Morehead, S. B. No. 100, H. B. No. 2: A bill to be entitled an act to amend chapter 181, public laws of 1872–'73, with a recommendation that it do pass.

By Mr. Waddell, S. B. No. 91: A bill to be entitled an act to amend an act entitled an act to amend section 14, chapter 105, of Battle's Revisal, with an amendment in the nature of a substitute.

S. B. No. 155, H. B. No. 62: A bill to be entitled an act to amend chapter 246, of laws of 1870–'71, with a recommendation that it do pass.

By Mr. Shaw, S. B. No. 148, H. B. No. 88: A bill to be entitled an act to amend chapter 104, section 15, of Battle's Revisal, with a recommendation that it do not pass.

By Mr. Peebles, S. B. No. 109: A bill to be entitled an act to better protect the reputation of innocent women, with accompanying amendments.

From Committee on Propositions and Grievances:

By Mr. Latham, S. B. No. 159: A bill to be entitled an act to extend the time of payment on certain entries of vacant lands, with a recommendation that it do pass.

S. B. No. 144: A bill to be entitled an act to prevent obstructions to the navigation of Newport river, with a recommendation that it do pass.

The following named bills and resolutions were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows:

By message from the House of Representatives, H. B. No. 124: A bill to be entitled an act to amend chapter 19, laws of 1873–'74, entitled an act to restore the records of Watauga county. To the Committee on Judiciary.

H. B. No. 154: A bill to be entitled an act for the relief of Edward W. Taylor, tax collector of Brunswick county. Placed on the calendar.

H. B. No. 79: A bill to be entitled an act to incorporate Newbern Golden Link Lodge, No. 1632, G. U. O. O. F. To the Committee on Corporations.

H. B. No. 19: A bill to be entitled an act to repeal section 4, chapter 164, laws of 1856–'57. To the Committee on Internal Improvements.

H. B. No. 98: A bill to be entitled an act authorizing the making of a turnpike road in Haywood county. To the Committee on Internal Improvements.

H. B. No. 60: A bill to be entitled an act to extend the time of taking out grants from the State. To the Committee on Propositions and Grievances.

H. B. No. 153: A bill to be entitled an act concerning the fees of jailors. To the Committee on Propositions and Grievances.

By Mr. Holton: A bill to be entitled an act to amend chapter 65, section 9, of Battle's Revisal. To the Committee on Judiciary.

By Mr. French: A bill to be entitled an act to punish a person for obtaining any money, goods, property or other thing of value from any person or corporation by means of a false promise that he will convey to them in payment of the same

certain real or personal property. To the Committee on Judiciary.

By Mr. Shaw: A bill to be entitled an act to amend chapter 17, section 31, clause 2, of Battle's Revisal. To the Committee on Judiciary.

By Mr. Cantwell: A bill to be entitled an act to require security from certain corporations, and for other purposes. To the Committee on Insurance.

Resolution for relief of W. W. Holden. To the Committee on Judiciary.

By Mr. Morehead: A bill to be entitled an act to pay Peter Adams mileage and *per diem* due him as Senator in 1864. To the Committee on Claims.

By Mr. Parish: A bill to be entitled an act to amend chapter 170, laws of 1873–'74. To the Committee on Judiciary.

By message from the House of Representatives, H. B. No. 43: A bill to be entitled an act to repeal an act passed at the session of 1872–'73. To the Committee on Propositions and Grievances.

The following named resolutions were introduced, read and disposed of, as follows:

By Mr. Bell: Resolution to print certain manuscripts. Adopted.

By Mr. Marler: Resolution authorizing additions to the Standing Committees. Adopted.

Resolution in regard to form of summons. Adopted.

At 11½ A. M. the Senate proceeded to consider the special order for that hour, to-wit: the motion to reconsider the vote by which S. B. No. 9: A bill to be entitled an act concerning "disabled soldiers," was rejected on its second reading.

The motion to reconsider prevailed.

The question then recurring on the passage of the bill,

Mr. Stanford offered an amendment, in the nature of a substitute, pending the consideration of which Mr. Stanford moved that the bill be referred to the Committee on Judiciary. The motion to refer prevailed.

Bills were acted on under a suspension of the rules as follows:

S. B. No. 100, H. B. No. 2: A bill to be entitled an act to amend chapter 181, public laws 1872-'73. The bill was read second time.

Mr. Cantwell moved to amend by striking out the words "except the crime of rape."

The amendment did not prevail, and the bill passed second time.

The bill was then read and passed third time. Yeas 40, nays 6.

*Affirmative.*—Mr. President, Messrs. Albright, Anderson, Bell, Boddie, Busbee, Cantwell, Clement, C. M. Cooke, French, Graham, Hargrave, Holton, Irwin, Jenkins, Jernigan, Latham, LeGrand, Linney, Love, McCauley, McElroy, McMillan, Mills, Morehead, Parish, Peebles, Pegram, Selby, Shaw, Smith, Stanford, Stickney, Sugg, Taylor, Waddell, Waring, Williamson, Worthy and Young—40.

*Negative.*—Messrs. Bryan, Cashwell, Marler, Paschall, Sneed and Walker—6.

H. B. No. 154: A bill to be entitled an act for the relief of Edward W. Taylor, tax collector of Brunswick county.

Read and passed second time and referred to the Committee on Propositions and Grievances.

Bills on third reading were acted on as follows:

S. B. No. 11: A bill to be entitled an act concerning the sale of deadly poisons. The bill was read.

Mr. LeGrand moved to amend by inserting after the word "aconite" the words "opium and its preparations."

The amendment prevailed.

Mr. LeGrand then moved to amend by adding to section 2 the words "*Provided*, That any regular practicing physician may sell these articles without taking said receipt: *Provided further*, That he be required to keep a memorandum of the same with the names of the purchaser and date of sale."

The amendment prevailed.

Mr. Cantwell moved to amend by inserting the word "oxalic acid" after the word "aconite."

Mr. Latham moved that the further consideration of the bill be indefinitely postponed. The motion prevailed.

S. B. No. 14: A bill to be entitled an act to give justices of the peace jurisdiction in proceedings in the nature of forcible entry and detainer. Read and passed third time, the yeas and nays being dispensed with by consent.

S. B. No. 22: A bill to be entitled an act concerning the Wilmington and Weldon Railroad, and the Wilmington and Raleigh Railroad and other companies. Read and passed third time, the yeas and nays being dispensed with by consent.

Bills on second reading were acted on as follows:

S. B. No. 33: A bill to be entitled an act to amend sections 6 and 9, of chapter 37, of private laws of 1873–'74. Read and passed second time.

S. B. No. 45: A bill to be entitled an act to amend an act to prohibit the sale of cotton within certain hours. Recommitted to the Committee on Judiciary.

S. B. No. 49: A bill to be entitled an act to require justices of the peace to give bond. The bill was read.

The question recurring on the amendment, in the nature of a substitute offered by the Committee on Judiciary, Mr. C. M. Cooke moved to amend the same by striking out $500.00 and inserting $200.00.

Mr. McMillan moved that the further consideration of the bill be indefinitely postponed.

Mr. Bell moved the previous question, and the Senate ordered the main question to be put.

The question then recurring on the amendment offered by Mr. C. M. Cooke, it did not prevail.

The question then recurring on the amendment, in the nature of a substitute proposed by the Committee on Judiciary, the yeas and nays were ordered on demand of

Mr. Busbee, and the amendment prevailed. Yeas 23, nays 22.

*Affirmative.*—Messrs. Albright, Anderson, Bell, Busbee, Cantwell, C. M. Cooke, French, Jernigan, Latham, McCauley, Morehead, Parish, Pegram, Selby, Shaw, Smith, Stanford, Stickney, Sugg, Waddell, Waring, Williamson and Worthy—23.

*Negative.*—Messrs. Boddie, Bryant, Cashwell, Clement, Graham, Hargrave, Holton, Irwin, Jenkins, LeGrand, Linney, Love, Marler, McElroy, McMillan, Mills, Paschall, Peebles, Sneed, Taylor, Walker and Young—22.

The question then recurring on its passage, the bill was rejected.

Mr. Busbee moved to reconsider the vote just had.

Mr. Linney moved that that motion lie on the table.

Mr. Morehead moved that the Senate do now adjourn until 11 A. M. to-morrow.

The motion to adjourn prevailed.

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## SEVENTEENTH DAY.

SENATE CHAMBER, December 5th, 1874.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

Leave of absence was granted to Mr. Albright for Monday and Tuesday next, and to Mr. Waddell for Monday next.

A message was received from the House of Representatives informing the Senate that that body had concurred in the proposition of the Senate to raise a Joint Standing Committee on Immigration, and designating Messrs. Pinnix, Jessup, Wheeler, West and Stephenson as the House branch thereof.

The Chair designated Messrs. Waring, Love and Stanford as the Senate branch of the committee.

Mr. Cashwell, at his own request, was excused from further service as a member of the Committee on Finance, and Mr. Cantwell was designated as a member of said committee in his stead.

Reports from Standing Committees were submitted as follows:

From Committee on Internal Improvements:

By Mr. Waring, S. B. No. 90: A bill to be entitled an act to amend an act entitled an act to charter the Carolina Narrow Gauge Railroad, ratified 8th February, 1872, with a recommendation that it be referred to the Committee on Judiciary. The recommendation was concurred in.

From Committee on Propositions and Grievances:

By Mr. Latham, S. B. No. 161, H. B. No. 134: A bill to be entitled an act for the relief of Edward W. Taylor, tax collector of Brunswick county, with a recommendation that it do pass.

S. B. No. 166, H. B. No. 43: A bill to be entitled an act to repeal an act passed at the session of 1872–'73, with a recommendation that it do pass.

S. B. No. 176, H. B. No. 60: A bill to be entitled an act to extend the time of taking out grants from the State, with a recommendation that it do pass;

S. B. No. 177: A bill to be entitled an act concerning the fees of jailors, with accompanying amendment.

From Committee on Claims:

By Mr. Williamson, S. B. No. 170: A bill to be entitled an act to pay Peter Adams mileage and *per diem* due him as Senator in 1864, with a recommendation that it do not pass.

From Committee on Judiciary:

By Mr. Jernigan, S. B. No. 102: A bill to be entitled an act to prevent the misapplication of the bonds, securities and other property and effects of the State, with accompanying amendments.

By Mr. Morehead, S. R. No. 171: A resolution for the relief of W. W. Holden, with a recommendation that it do not pass.

The following named bills and resolutions were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows:

By Mr. Peebles: A bill to be entitled an act to repeal the bastardy law. To the Committee on Judiciary.

By message from the House of Representatives, H. B. No. 102: A bill to be entitled an act providing for two additional terms of the Superior Court for the county of Wayne. To the Committee on Judiciary.

By Mr. Latham: A bill to be entitled an act to amend section 8, chapter 27, Battle's Revisal. To the Committee on Judiciary.

By Mr. Mills: A bill to be entitled an act to amend an act entitled an act to consolidate an act incorporating the town of Lenoir, Caldwell county, and the acts amendatory thereof. To the Committee on Corporations.

By Mr. Peebles: A bill to be entitled an act for the relief of F. W. Bell, sheriff of Bertie county. Placed on the calendar.

By Mr. Cantwell: A bill to be entitled an act to amend chapter 56, of section 4, of Battle's Revisal. To the Committee on Judiciary.

By Mr. Graham: A bill to be entitled an act to authorize the working of convicts at other places than the Penite ntiary. To the Committee on Judiciary.

The following named resolutions were introduced, read and disposed of, as follows:

By Mr. McElroy: Resolution concerning Western North Carolina Railroad. Adopted.

By message from the House of Representatives, H. R. No. 19: Resolution of instruction to the Senators and Representatives in Congress. Concurred in.

The Senate then proceeded to consider the unfinished business of yesterday, to wit: the motion to lay on the table the

motion to reconsider the vote by which S. B. No. 44: A bill to be entitled an act to require justices of the peace to give bond, was rejected on its second reading.

The motion to lay on the table did not prevail.

The question then recurring on the motion to reconsider, it prevailed.

The question then recurring on the passage of the bill on its second reading, the yeas and nays were ordered on demand of Mr. Cantwell, and the bill passed second time. Yeas 28, nays 17.

*Affirmative.*—Messrs. Albright, Anderson, Bell, Boddie Busbee, C. M. Cooke, Graham, Hargrave, Irwin, Jenkins, Jernigan, Latham, Marler, McCauley, Mills, Morehead, Parish, Pegram, Selby, Shaw, Smith, Stanford, Stickney, Sugg, Waddell, Waring, Williamson and Worthy—28.

*Negative.*—Messrs. Bryant, Cantwell, Cashwell, Clement, Holton, LeGrand, Linney, Love, Mabson, McElroy, McMillan, Paschall, Peebles, Sneed, Taylor, Walker and Young—17.

Bills were acted on under a suspension of the rules as follows:

S. B. No. 73: A bill to be entitled an act to allow Clifton Ward, late sheriff of Sampson county, a credit of $402.00 on State taxes for 1874.

Read and passed second and third times, the yeas and nays being dispensed with by consent.

S. B. No. 177: A bill to be entitled an act in relation to the fees of jailors. The bill was read second time.

The amendment proposed by the Committee on Propositions and Grievances did not prevail.

Mr. Morehead moved an amendment, in the nature of a substitute.

Mr. Bell moved to amend the amendment by adding to section 1 thereof, the following: "*Provided*, That in no case shall the Board of County Commissioners allow the sheriff or any other person extra compensation as jailor."

The amendment to the amendment did not prevail.

The question then recurring on the amendment, in the nature of a substitute, it prevailed.

The question then recurring on its passage, the bill passed second time.

The bill was read third time.

Mr. C. M. Cooke moved to amend by adding to section 2 the words: "*Provided*, That the provisions of this act shall apply only to the county of Alamance." The amendment did not prevail, and the bill passed third time. Yeas 23, nays 19.

*Affirmative.*—Messrs. Bell, Cantwell, Cashwell, Clement, Graham, Hargrave, Holton, Irwin, Jenkins, Jernigan, Linney, Mills, Morehead, Parish, Pegram, Shaw, Smith, Sneed, Stanford, Taylor, Walker, Waring and Worthy—23.

*Negative.*—Messrs. Albright, Anderson, Boddie, Bryant, Busbee, C. M. Cooke, Latham, LeGrand, Love, Marler, McCauley, McElroy, McMillan, Peebles, Selby, Stickney, Sugg, Waddell and Young—19.

The amendment was ordered to be transmitted to the House of Representatives for concurrence without engrossment, which order was complied with.

S. B. No. 161, H. B. No. 154: A bill to be entitled an act for the relief of Edward W. Taylor, tax collector of Brunswick county.

Read and passed third time, the yeas and nays being dispensed with by consent.

S. B. No. 121: A bill to be entitled an act to amend chapter 27, laws of 1873–'74.

Read and passed second and third times, the yeas and nays being dispensed with by consent.

S. B. No. 33: A bill to be entitled an act to amend sections 6 and 9, of chapter 37, of the private laws of 1873–'74.

Read and passed third time, the yeas and nays being dispensed with by consent.

Bills on second reading were acted on as follows:

S. B. No. 51: A bill to be entitled an act to amend section 1, of chapter 31, of laws of 1873–'74. The bill was read.

The amendment proposed by the Committee on Judiciary prevailed, and the bill passed second time.

S. B. No. 54: A bill to be entitled an act to declare the meaning of the revenue law, and for the relief of L. Meginney, of Wilmington. Indefinitely postponed,

S. B. No. 70: A bill to be entitled an act for making valid certain irregular entries of lands. Read and passed second time.

On motion, the rules were suspended, and the bill was read and passed third time, the years and nays being dispensed with by consent.

S. B. No. 72: A bill to be entitled an act concerning keepers of hotels and public inns. Indefinitely postponed.

S. B. No. 82, H. B. No. 17: A bill to be entitled an act to amend chapter 106, section 15, Battle's Revisal, and chapter 105, section 17, of Revised Code. The bill was read.

The amendments proposed by the Committee on Judiciary prevailed, and the bill passed second time.

S. B. No. 91: A bill to be entitled an act to amend an act entitled an act to amend section 14, chapter 105, of Battle's Revisal. The bill was read.

The amendment, in the nature of a substitute, proposed by the Committee on Judiciary prevailed, and the bill passed second time.

S. B. No. 94: A bill to be entitled an act making it a misdemeanor to throw the dead body of any animal into any lake, pond or stream of running water in this State. Indefinitely postponed.

A message was received from the House of Representatives, informing the Senate that that body had passed S. B. No. 123: A bill to be entitled an act for the relief of the sheriff of Halifax county, with an amendment.

The Senate concurred in the House amendment, and the bill was ordered to be enrolled for ratification.

The following named bills, reported as correctly engrossed by the Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence:

S. B. No. 73: A bill to be entitled an act to allow Clifton Ward, late sheriff of Sampson county, a credit on State taxes for the year 1874.

The following bills and resolutions, reported as correctly enrolled by the Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

An act to allow Clifton Ward, late sheriff of Sampson county, a credit of four hundred and two dollars on amount of State taxes for the year 1874.

Resolution to improve the harbor of Edenton, North Carolina.

An act extending the time for the sureties on the bond of John L. Harris, late sheriff of Person county, to settle with State Treasurer.

An act to re-enact sections 24, 25, 26 and 27, of chapter 32, of the Revised Code.

Resolution to appoint a Joint Select Committee to make a list of bonds and coupons in Treasurer's office.

On motion, the Senate adjourned until Monday morning 11 A. M.

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## EIGHTEENTH DAY.

SENATE CHAMBER, December 7th, 1874.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Atkinson.

The Journal of Saturday was read.

A message was sent to the House of Representatives inform-

ing that body that the Senate had concurred in the proposition to raise a Joint Select Committee to examine the coupons in the Treasurer's office, and that Messrs. LeGrand, Waddell and Cashwell constituted the Senate branch thereof.

Mr. Cantwell presented a communication from H. G. Onderdonk, which was read and referred to the Committee on Internal Improvements.

A message was received from the House of Representatives designating Messrs. Tate, Richardson, Barnett, McRae and Dula as the House Branch of the Joint Select Committee to examine coupons in the Treasurer's office.

Reports from Standing Committees were submitted as follows:

From Committee on Internal Improvements:

By Mr. Waring, S. B. No. 114, H. B. No. 30: A bill to be entitled an act to amend the charter of the Greenville and French Broad Railroad Company, with a recommendation that it do pass.

S. B. No. 154, H. B. No. 52: A bill to be entitled an act to amend section 15, chapter 104, of Battle's Revisal, entitled Roads, Ferries, &c., with a recommendation that it do pass.

From Committee on Corporations:

By Mr. Busbee, S. B. No. 120, H. B. No. 105: A bill to be entitled an act to amend an act to incorporate the Cape Fear Association, with the accompanying amendments.

The following named bills and resolutions were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows:

By Mr. Cantwell: A bill to be entitled an act to amend the State Constitution. To the Committee on Constitutional Reform.

By message from the House of Representatives, H. B. No. 92: A bill to be entitled an act to reqnire personal representatives to give bond pending *caveats* of wills, and for other purposes. To Judiciary Committee;

H. B. No. 118: A bill to be entitled an act to amend Bat-

tle's Revisal, chapter 17, sections 198 and 199, in relation to attachments. To the Committee on Judiciary;

H. B. No. 74: A bill to be entitled an act to amend section 13, chapter 121, of Battle's Revisal. To the Committee on Judiciary;

H. B. No. 159: A bill to be entitled an act to incorporate Pleasant Grove Camp Ground, in the county of Union. To the Committee on Corporations;

H. B. No. 126: A bill to be entitled an act to incorporate Olive Branch Church, in the county of Union. To the Committee on Corporations;

H. B. No. 42: A bill to be entitled an act concerning lost or destroyed records. To the Committee on Judiciary.

H. B. No. 132: A bill to be entitled an act to prevent the felling of trees in Pigeon river, in Haywood county. To the Committee on Propositions and Grievances.

H. B. No. 61: A bill to be entitled an act to amend chapter 171, of laws of 1873–'74. To the Committee on Propositions and Grievances.

By Mr. Sneed: A bill to be entitled an act for the relief of James I. Moore, sheriff of Granville county. Placed on the calendar.

By Mr. Jenkins: A bill to be entitled an act to appoint Public Guardians. To the Committee on Judiciary.

By Mr. Parish: A bill to be entitled an act to repeal sections 13 and 14, chapter 105, Battle's Revisal. To the Committee on Judiciary.

By Mr. Stanford: A bill to be entitled an act to create the county of Lillington. To the Committee on Propositions and Grievances, together with the accompanying memorial.

By Mr. Mills: A bill to be entitled an act for the support of the Insane Asylum of North Carolina. To the Committee on Insane Asylum.

The following named resolutions were introduced, read and disposed of, as follows:

By Mr. Waring: Resolution concerning the University of the State. Adopted.

By Mr. Williamson: Resolution of instruction to the Finance Committee in regard to the bonds known as construction bonds of North Carolina Railroad.

By message from the House of Representatives, H. R. No. 62: Resolution of instruction to our Senators and Representatives in Congress concerning the tax levied and collected on spirits of turpentine after the late war.

The question recurring on concurring in the resolution

Mr. Cantwell moved to amend by striking out the words "oppressive and burdensome" in the preamble.

The amendment did not prevail and the resolution was concurred in.

Bills on third reading were acted on as follows:

S. B. No. 49: A bill to be entitled an act to require justices of the peace to give bond. The bill was read.

Mr. C. M. Cooke moved to amend by striking out the words "five hundred dollars," and inserting in lieu thereof the words "two hundred and fifty dollars."

On motion, the further consideration of the bill was postponed and made the special order for 12 M of Thursday next.

S. B. No. 51: A bill to be entitled an act to amend section 1, of chapter 31, of laws of 1873–'74. Read and passed third time, the yeas and nays being dispensed with by consent.

S. B. No. 82, H. B. No. 17: A bill to be entitled an act to amend section 15 of Battle's Revisal, and chapter 105, section 17, of the Revised Code. Read and passed third time, the yeas and nays being dispensed with by consent.

S. B. No. 91: A bill to be entitled an act to amend an act entitled an act to amend section 14, chapter 105, of Battle's Revisal. The bill was read.

Mr. Bell offered an amendment, in the nature of a substitute.

Mr. Cantwell moved that the bill be re-committed to the Committee on Judiciary.

The motion to re-commit prevailed.

Bills on second reading were acted on as follows:

S. B. No. 48: A bill to be entitled an act to secure the costs on appeals from courts of justices of the peace. Indefinitely postponed.

S. B. No. 96: A bill to be entitled an act to amend section 2, chapter 23, of Battle's Revisal. Read and passed second time.

S. B. No. 102: A bill to be entitled an act to prevent the misapplication of the bonds, securities and other property and effects of the State. The bill was read.

The amendment proposed by the Committee on Judiciary prevailed, and the bill passed second time.

S. B. No. 113, H. B. No. 16: A bill to be entitled an act amendatory of an act to lay out and construct a road through the counties of Alleghany and Ashe. Read and passed second time.

S. B. No. 109: A bill to be entitled an act to better protect the reputation of innocent women. Read and passed second time, the amendments proposed by the Committee on Judiciary having been adopted.

S. B. No. 116, H. B. No. 45: A bill to be entitled an act to amend section 84, chapter 32, of Battle's Revisal. The bill was read.

The amendment proposed by the Committee on Judiciary prevailed.

Mr. Busbee moved to amend by inserting after the word "fined" the words "not more than 50 dollars," and after the word "imprisoned" the words "not longer than one month."

The yeas and nays were ordered on demand of Mr. Waring, and the amendment did not prevail. Yeas 12, nays 31.

*Affirmative.*—Messrs. Anderson, Busbee, Cantwell, Cashwell, Graham, Holton, Latham, McMillan, Pegram, Sneed, Waring and Williamson—12.

*Negative.*—Mr. Speaker, Messrs. Bell, Boddie, Bryant, Clement, C. M. Cooke, Hargrave, Irwin, Jenkins, Jernigan, LeGrand, Linney, Love, Mabson, Marler, McCauley, McElroy,

Mills, Morehead, Parish, Paschall, Peebles, Selby, Shaw, Smith, Stanford, Stickney, Taylor, Waddell, Walker, Worthy and Young—31.

The question recurring on its passage, the bill passed second time.

S. B. No. 117, H. B. No. 47: A bill to be entitled an act for the relief of James W. Horton, tax collector of Watauga county. Read and rejected.

S. B. No. 118, H. B. No. 56: A bill to be entitled an act to amend chapter 37, section 2, laws of 1873–'74. Read and passed second time.

Bills were acted on under a suspension of the rules, as follows:

A bill to be entitled an act for the relief of James I. Moore, sheriff of Granville county. Read and passed second and third times, the yeas and nays being dispensed with by consent.

S. B. No. 103: A bill to be entitled an act to change the name of Charleston, the seat of justice of Swain county, to that of Coleman. Read and passed second and third times, the yeas and nays being dispensed with by consent.

S. B. No. 120, H. B. No. 105: A bill to be entitled an act to amend an act to incorporate the Cape Fear Agricultural Association. Read and passed second and third times, the yeas and nays being dispensed with by consent.

S. B. No. 114, H. B. No. 30: A bill to be entitled an act to amend the charter of the Greenville and French Broad Railroad Company. Read and passed second and third times, the yeas and nays being dispensed with by consent.

S. B. No. 103, H. B. No. 21: A bill to be entitled an act to charter the Caldwell and Watauga Narrow Gauge Railroad. Read and passed second and third times. Yeas 42, nays 1.

*Affirmative*—Messrs. Anderson, Bell, Boddie, Busbee, Cantwell, Cashwell, Clement, C. M. Cooke, Graham, Hargrave, Holton, Irwin, Jenkins, Jernigan, Latham, LeGrand, Linney, Love, Mabson, Marler, McCauley, McElroy, McMillan, Mills, Morehead, Parish, Paschall, Peebles, Pegram, Selby, Shaw

Sneed, Stanford, Stickney, Sugg, Taylor, Waddell, Walker, Waring, Williamson, Worthy and Young—42.

*Negative*—Mr. Bryant—1.

The following bills, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

An act to re-enact and revive sections 115, 116, 117 and 118 of chapter 31, of the Revised Code, concerning the removal of cases.

An act to extend the time of the sheriff of Franklin county to settle with the State Treasurer.

An act concerning the Board of Commissioners of Wake county.

The following named bills, amendments and resolutions, reported as correctly engrossed by the Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence:

S. B. No. 26: A bill to be entitled an act to amend section 6, chapter 91, Battle's Revisal.

S. B. No. 14: A bill to be entitled an act to give justices of the peace jurisdiction in proceedings in the nature of forcible entry and detainer.

S. B. No. 121: A bill to be entitled an act to amend chapter 27, laws of 1873–'74.

A bill to be entitled an act for the relief of James I. Moore, sheriff of Granville county.

On motion, the Senate adjourned until 11 A. M. to-morrow.

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## NINETEENTH DAY.

SENATE CHAMBER, December 8th, 1874.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Marshall.

The Journal of yesterday was read.

Mr. Busbee presented certain petitions from certain citizens of Raleigh, which were referred to the Committee on Claims.

Mr. Cantwell presented a petition from certain citizens of Wilmington, which was read and referred to the Committee on Propositions and Grievances.

Reports from Standing Committees were submitted as follows:

From Committee on Claims:

By Mr. Williamson, S. B. No. 53: A bill to be entitled an act concerning certificates held by George W. Hallock, of New York, with a recommendation that it do not pass.

From Committee on Judiciary:

By Mr. Busbee, S. B. No. 182: A bill to be entitled an act to amend section 8, chapter 27, Battle's Revisal, with accompanying amendment.

By Mr. C. M. Cooke, S. B. No. 110: A bill to be entitled an act to give landlords or their agents a lien for supplies furnished, with a recommendation that it do not pass.

S. B. No. 71: A bill to be entitled an act to repeal section 3, chapter 176, laws of 1873–'74, with accompanying amendment.

S. B. No. 39: A bill to be entitled an act to repeal chapter 176, of the laws of 1873–'74, with a recommendation that it do not pass.

From Committee on Banks and Currency:

By Mr. Peebles, S. B. No. 76: A bill to be entitled an act to incorporate the Raleigh Savings Bank and Trust Company, with accompanying amendments.

A message was received from the House of Representatives informing the Senate that that body had passed S. B. No. 185, H. B. No. 192: A bill to be entitled an act for the relief of James I. Moore, sheriff of Granville county, with an amendment. The Senate concurred in the amendment, and the bill was ordered to be enrolled for ratification.

The consideration of resolutions being in order, S. R. No.

130, H. R. No. 2: Resolution in relation to Civil Rights Bill, was read.

Mr. Cantwell moved an amendment, in the nature of a substitute, in words and figures following, to-wit:

"*Provided*, That the people of North Carolina, without regard to race, color, or previous condition, are opposed to any interference whatever onthe part either of the State or National government with that feature of their local, political and social organization, which provides and allows separate schools for the races, separate entertainment at hotels, separate churches, a seperate militia system and accommodation at theatres, separate burial places for the dead, but which also requires that all the advantages and facilities endowed and afforded by law shall be enjoyed by each race equally, and all regulations or limitations thereof shall be applicable alike to all.

2. That under the decision of the Supreme Court in the *slaughter house* cases, 16 Wallace and *ex parte* Myra Broadwell, Congress has no power to establish mixed schools in any State, and the apprehension of such is founded in an utter misconception of the powers and intentions of the National Legislature and the rights of the States and the Civil Rights Bill, as it was amended and passed by the Senate, contemplates no such interference, but on the contrary, recognizes and affirms all "the conditions and limitations" of personal rights existing in each State, and established by the local law.

3. That therefore the immediate passage of the Civil Rights Bill now pending upon Congress with such amendments and provisions as may make the meaning of the same as above explained still more explicit, is a measure of the wisest statesmanship and a final settlement of this dangerous and distracting question, which has already occupied its full share of the attention of the country, and ought now to be forever put at rest."

On motion, the Senate adjourned until 3½ P. M. of to-day.

## EVENING SESSION.

3½ P. M., Senate Chamber, Dec. 8th, 1874.

The Senate met pursuant to adjournment.

The following named bills and resolutions were introduced, read and referred, or otherwise disposed of, as follows:

By Mr. Cashwell: A bill to be entitled an act for the benefit of William H. Sykes, sheriff of Bladen county. To the Committee on Propositions and Grievances.

By Mr. Cantwell: Resolution concerning the memorial of the Chamber of Commerce of Wilmington. Laid over under the rules.

The consideration of S. R. No. 130, H. R. No. 2: Resolution in relation to the Civil Rights Bill, was resumed.

The question recurring upon Mr. Cantwell's amendment, in the nature of a substitute, the yeas and nays were ordered, and the amendment did not prevail. Yeas 6, nays 35.

*Affirmative*—Messrs. Bryant, Cantwell, Mabson, Paschall, Peebles and Tucker—6.

*Negative*—Mr. President, Messrs. Albright, Anderson, Bell, Boddie, Busbee, Cashwell, Clement, C. M. Cooke, N. S. Cook, Graham, Hargrave, Holton, Irwin, Jenkins, Jernigan, Kerr, Latham, LeGrand, Linney, Love, Marler, McCauley, McElroy, McMillan, Mills, Morehead, Parish, Pegram, Selby, Shaw, Smith, Sneed, Stanford, Stickney, Taylor, Waddell, Walker, Waring, Williamson, Worthy and Young—35.

Mr. Peebles offered an amendment, in the nature of a substitute, to wit:

"*Resolved*, That the bill known as "Sumner's Civil Rights Bill," is unconstitutional and potent for evil only. If made a law, it will engender strife and discord among the white and colored people of this and other southern States, and must impair the friendly feeling that ought to exist between the two

races; and will also prevent in said States appropriations for the support of free schools.

2. That we appreciate alike the services of Republicans and Democrats in opposition to said bill."

The amendment did not prevail.

The question then recurring on concurring in the resolution, the yeas and nays were ordered, and the resolution was concurred in. Yeas 37, nays 11.

*Affirmative*—Mr. President, Messrs. Albright, Anderson, Bell, Boddie, Busbee, Clement, C. M. Cooke, Graham, Hargrave, Irwin, Jenkins, Jernigan, Kerr, Latham, LeGrand, Linney, Love, Marler, McCauley, McElroy, McMillan, Mills, Morehead, Parish, Selby, Shaw, Smith, Stanford, Stickney, Sugg, Taylor, Waddell, Waring, Williamson, Worthy and Young—37.

*Negative*—Messrs. Bryant, Cantwell, Cashwell, N. S. Cook, Holton, Mabson, Paschall, Peebles, Sneed, Tucker and Waker—11.

The following bills and resolutions, reported as correctly enrolled by the Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

An act to amend an act entitled an act to incorporate the Cape Fear Agricultural Association, ratified the 12th day of April, 1869.

An act in relation to public arms.

An act to amend chapter 181, public laws of 1872–'73, entitled an act for amnesty and pardon.

Resolution on adjournment.

Resolution in regard to filing papers.

Resolution concerning the survivors of the Mexican war.

On motion, the Senate adjourned until 11 A. M. to morrow.

## TWENTIETH DAY.

SENATE CHAMBER, December 9th, 1874.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

Mr. Sneed presented a certain petition from certain citizens of Oak Hill township, Granville county, which was referred to the Committee on Propositions and Grievances.

The Chair announced the following Committee on Centennial: Messrs. Waring, Graham and Cantwell.

Reports from Standing Committees were submitted as follows:

From Committee on Judiciary:

By Mr. Morehead: S. B. No. 184, H. B. No. 102: A bill to be entitled an act providing for two additional terms of the Superior Court for the county of Wayne, with accompanying amendments.

By Mr. Shaw, S. B. No. 180: A bill to be entitled an act to amend chapter 56, section 4, of Battle's Revisal, with an amendment in the nature of a substitute.

By Mr. Jernigan, S. B. No. 28: A bill to be entitled an act to amend chapter 65, section 9, of Battle's Revisal, with a recommendation that it do not pass.

S. B. No. 160: A bill to be entitled an act to amend chapter 65, section 9 of Battle's Revisal, entitled Liens of Mechanics and others, with a recommendation that it do not pass.

By Mr. Linney, S. B. No. 173: A bill to be entitled an act to amend chapter 17, section 31, clause 2, of Battle's Revisal, with a recommendation that it do pass.

S. B. No. 164, H. B. No. 124: A bill to be entitled an act to amend chapter 19, laws of 1873-'74, entitled an act to restore the records of Watauga county, with a recommendation that it do pass.

From Committee on Propositions and Grievances:

By Mr. Latham, S. B. No. 196, H. B. No. 132: A bill to

be entitled an act to prevent the felling of trees in Pigeon river, in Haywood county, with a recommendation that it do not pass.

S. B. No. 195, H. B. No. 61: A bill to be entitled an act to amend chapter 171, of laws of 1873–'74, with a recommendation that it do pass.

From Committee on Library:

By Mr. LeGrand, S. B. No. 132: A bill to be entitled an act to change the office hours of the State Librarian during the session of the General Assembly, with a recommendation that it do pass.

From Committee on Judiciary:

By Mr. Waddell, S. B. No. 152, H. B. No. 81: A bill to be entitled an act to repeal section 3, chapter 176, of public laws of 1873–'74, with accompanying amendments.

S. B. No. 45: A bill to be entitled an act to amend an act to prohibit the sale of cotton within certain hours, section 1, chapter 62, laws of 1873–'74, with an amendment, in the nature of a substitute.

The following named bills and resolutions were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows:

By message from the House of Representatives, H. R. No. 65, S. R. No. 213: Resolution in relation to Centennial. Concurred in.

S. B. No. 211, H. B. No. 133: A bill to be entitled an act to authorize the Government of the United States to purchase and hold lands in North Carolina for the purpose of a national cemetery. To the Committee on Judiciary.

S. B. No. 212, H. B. No. 144: A bill to be entitled an act declaring the shares of stock in corporations to be personal estate. To the Committee on Judiciary.

By Mr. Kerr: A bill to be entitled an act to amend section 4, chapter 40, of Battle's Revisal. To the Committee on Judiciary.

By Mr. Selby: A bill to be entitled an act to incorporate

Mattamuskeet Lodge, A. F. A. 328. To the Committee on Corporations.

By Mr. Tucker: A bill to be entitled an act for the government of the department for the colored pupils of the Institute for the Deaf and Dumb and Blind. To the Committee on Deaf and Dumb and Blind Asylum.

By Mr. Parish: A bill to be entitled an act to amend section 82, sub-division 1, [chapter 17, Battle's Revisal. To the Committee on Judiciary.

By Mr. Peebles: A bill to be entitled an act to require all fire insurance companies not incorporated under the laws of this State, to make a deposit of securities. To the Committee on Finance.

By Mr. Williamson: A bill to be entitled an act to change the times of holding terms of Superior Courts in the Seventh (7th) Judicial District. To the Committee on Judiciary.

A message was received from the House of Representatives transmitting House amendment to S. B. No. 34, H. B. No. 172, asking the concurrence of the Senate therein.

Mr. Kerr moved to recommit the bill, together with the House amendment, to the Committee on Judiciary. The motion did not prevail.

The question then recurring upon concurring in the amendment proposed by the House of Representatives, the Senate refused to concur, and a message informing the House thereof was ordered to be sent.

The following named resolutions were introduced, read and disposed of, as follows:

By Mr. Stanford: Resolution concerning rule 13 of the Senate. Laid over under the rules.

The consideration of resolutions being in order, S. R. No. 203: Resolution concerning the memorial of the Chamber of Commerce, was read and adopted.

At 12 M, the Senate proceeded to consider the special order for that hour, to wit: S. B. No. 13: A bill to be entitled an act concerning the legal rate of interest.

On motion of Mr. Busbee, the consideration of the bill was postponed and made the special order for Wednesday next, December 16th, at 12 M.

Bills on third reading were acted upon as follows:

S. B. No. 82, H. B. No. 17: A bill to be entitled an act to amend chapter 106, section 5, of Battle's Revisal, and chapter 105, and section 17, of Revised Code. Read and passed the third time, the yeas and nays being dispensed with by consent.

S. B. No. 96: A bill to be entitled an act to amend section 2, chapter 23, of Battle's Revisal, entitled "Constables." Read and passed third time, the yeas and nays being dispensed with by consent.

S. B. No. 102: A bill to be entitled an act to prevent the misapplication of the bonds, securities and other the property and effects of the State. The bill was read. The amendment proposed by the Committee on Judiciary prevailed, and the bill, as amended, passed the third time, yeas 45, nays none.

*Affirmative*—Messrs. Albright, Anderson, Boddie, Busbee, Cantwell, Cashwell, Clement, C. M. Cooke, N. S. Cook, French, Graham, Hargrave, Holton, Irwin, Jenkins, Jernigan, Kerr, Latham, LeGrand, Linney, Love, Mabson, Marler, McCauley, McElroy, McMillan, Mills, Morehead, Parish, Paschall, Peebles, Pegram, Selby, Shaw, Sneed, Stanford, Stickney, Sugg, Taylor, Tucker, Waddell, Walker, Waring, Worthy and Young—45.

*Negative*—None.

S. B. No. 109: A bill to be entitled an act to better protect the reputation of innocent women.

The amendment, proposed by the Committee on Judiciary, prevailed.

Mr. Cantwell moved to amend by adding:

"*And pravided further*, That in all prosecutions under this act, the prosecution must commence within six months after the words spoken or written."

The amendment did not prevail.

Mr. Mabson moved to re-commit the bill to the Committee on Judiciary. The motion did not prevail.

Mr. C. M. Cooke moved to amend by adding:

"*Provided*, There shall be no prosecution for this offence, except at the request, in writing, of the person injured, which request shall be filed with the bill of indictment."

The amendment prevailed, and the bill passed third time. Yeas 38, nays 8.

*Affirmative*—Messrs. Albright, Boddie, Busbee, Clement, C. M. Cooke, French, Graham, Hargrave, Irwin, Jenkins, Jernigan, Kerr, Latham, LeGrand, Linney, Love, Marler, McElroy, McMillan, Mills, Morehead, Parish, Paschall, Peebles, Pegram, Selby, Shaw, Smith, Stanford, Stickney, Sugg, Taylor, Waddell, Walker, Waring, Williamson, Worthy and Young—38.

*Negative*—Messrs. Anderson, Cantwell, Cashwell, N. S. Cook, Holton, Mabson, Sneed and Tucker—8.

Bills were acted on, under a suspension of the rules, as follows:

S, B. No. 184, H. B. No. 102: A bill to be entitled an act providing for two additional terms of the Superior Court for the county of Wayne. The bill was read the second time.

The amendment proposed by the Committee on Judiciary prevailed, and the bill, as amended, passed second time.

The bill was read and passed third time, the yeas and nays being dispensed with by consent.

H. B. No. 123, S. B. No. 153: A bill to be entitled an act to regulate the times of holding the terms of the Superior Court of Cumberland county.

The amendment proposed by the Committee on Propositions and Grievances prevailed.

Mr. Morehead moved to amend by adding to section 1st:

"*Provided*, That no original or final process in civil actions shall be made returnable to said January term."

The amendment prevailed, and the bill, as amended, passed second and third times, the years and nays being dispensed with by consent.

The following bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

An act for the relief of Edward W. Taylor, tax collector of Brunswick county.

An act for the relief of the sheriff of Halifax county and his sureties.

An act to authorize the county commissioners of Tyrrell county to sell the present poor house lot and to purchase another.

An act in relation to the Wake county Work House or House of Correction.

An act to amend the charter of the Greenville and French Broad Railroad Company.

Resolution of instruction to the Senators and members of the House of Representatives in Congress from North Carolina.

Resolution of instruction to the Senators and members of the House of Representatives in Congress concerning the tax levied and collected on spirits of turpentine after the late war.

On motion, the Senate adjourned until 11 A. M. to-morrow.

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## TWENTY-FIRST DAY.

SENATE CHAMBER, December 10th, 1874.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Pritchard.

The Journal of yesterday was read.

Mr. Graham presented a petition from certain citizens of Lincoln county asking prohibition of sale of liquor near Kid's

Chapel Baptist Church, which was referred to the Committee on Propositions and Grievances.

Leave of absence was granted to Mr. Bryant for three days, and indefinite leave of absence was granted to Mr. Parish on account of sickness in his family.

Reports from Standing Committees were submitted as follows:

From Committee on Judiciary.

By Mr. Morehead, S. B. No. 193: A bill to be entitled an act to repeal sections 13 and 14, chapter 105, Battle's Revisal, with a recommendation that it do not pass.

By Mr. Cooke, S. B. No. 7: A bill to be entitled an act to require the registration of deeds, with a recommendation that it do pass with the accompanying amendment, in the nature of a substitute.

By Mr. Waddell, S. B. No. 91: A bill to be entitled an act to amend an act entitled "an act to amend section 14, chapter 105, of Battle's Revisal," passed by the General Assembly at its session of 1873-'74, with a recommendation that it do pass without the substitutes proposed.

From Committee on Corporations:

By Mr. Busbee, S. B. No. 25: A bill to be entitled an act to incorporate the Gaston Mining Company, with a recommendation that it do pass with the accompanying amendments.

From Committee on Judiciary:

By Mr. Cooke, S. B. No. 68, H. B. No. 18: A bill to be entitled an act to incorporate the Diamond Cotton Chopper and Cultivator Company, with a request that the bill be referred to the Committee on Corporations.

From Committee on Propositions and Grievances:

By Mr. Latham, S. B. No. 204: A bill to be entitled an act for the benefit of William H. Sykes, sheriff of Bladen county, with an amendment in the nature of a substitute.

The following named bills and resolutions were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows:

By message from the House of Representatives, H. B. No. 142: A bill to be entitled an act providing for the decrees in suits in equity rendered prior to a certain act of 1806. To the Committee on Judiciary.

H. B. No. 156: A bill to be entitled an act to amend chapter 17, of Battle's Revisal, known as the Code of Civil Procedure, title 12, section 276, sub-division 4. To the Committee on Judiciary.

H. B. No. 177: A bill to be entitled an act concerning publication of accounts audited by county commissioners. To the Committee on Judiciary.

H. B. No. 136: A bill to be entitled an act to amend an act to establish a Bureau of Immigration, Statistics and Agriculture. To the Joint Committee on Immigration.

H. H. No. 174: A bill to be entitled an act to change the times of holding certain courts in the Eleventh District. To the Committee on Judiciary.

H. B. No. 134: A bill to be entitled an act to amend section 27, chapter 32, of Battle's Revisal. To the Committee on Judiciary.

H. B. No. 166: A bill to be entitled an act to amend section 31, sub-division 2, chapter 3, title 4, Code of Civil Procedure, brought forward in Battle's Revisal, chapter 17. To the Committee on Judiciary.

H. B. No. 189: A bill to be entitled an act to incorporate the Light House Club, of Currituck Sound. To the Committee on Corporations.

H. R. No. 64: Resolution of instruction to the State Geologist. Concurred in.

By Mr. Cooke: A bill to be entitled an act to amend section 78, chapter 33, Battle's Revisal. To the Committee on Judiciary.

By Mr. Williamson: A bill to be entitled an act to alter and amend chapter 17, section 368, Battle's Revisal. To the Committee on Judiciary.

By Mr. Cashwell: A bill to be entitled an act to re-enact

chapter 41, section 4, laws of 1858–'59. To the Committee on Judiciary.

By Mr. Marler: A bill to be entitled an act to amend chapter 137, section 1, of laws of 1873–'74. To the Committee on Judiciary.

By Mr. Kerr: A bill to be entitled an act to repeal chapter 79, laws of 1871–'72. To the Committee on Judiciary.

By Mr. Sugg: A bill to be entitled an act for the relief of Luby Harper, sheriff.

The consideration of resolutions being in order, S. R. No. 216, was read. The resolution is as follows:

"*Resolved*, That Rule 13, of the Senate, be amended by adding after the word "Senate," in line 6, the words "and not more than thirty minutes at a time."

On motion, the yeas and nays were ordered, and the resolution was adopted. Yeas 28, nays 17.

*Affirmative*—Messrs. Albright, Anderson, Boddie, Busbee, Clement, N. S. Cook, French, Hargrave, Holton, Irwin, Jenkins, Latham, LeGrand, Linney, Marler, McCauley, McElroy, McMillan, Mills, Pegram, Shaw, Smith, Stanford, Stickney, Sugg, Waddell, Williamson, Worthy and Young—28.

*Negative*—Messrs. Cantwell, Cashwell, C. M. Cooke, Graham, Jernigan, Kerr, Love, Mabson, Morehead, Paschall, Peebles, Selby, Taylor, Tucker, Walker and Waring—17.

Mr. Love moved to reconsider the vote by which the Senate concurred in H. R. No. 64: Resolution of instruction to State Geologist. The motion prevailed.

Mr. Love moved to amend by adding, "and that he also communicate to the General Assembly a full report of the operations of his department for the past year." The amendment prevailed, and the resolution, as amended, was concurred in.

At 12 M., the Senate proceeded to consider the special order for that hour, to wit: S. B. No. 49: A bill to be entitled an act to require justices of the peace to give bond.

Mr. Marler moved to amend by adding the following:

"*Provided*, That the counties of Surry and Yadkin shall be exempt from the provisions of this act."

Mr. Linney moved an amendment, in the nature of a substitute.

Pending the consideration of the amendment, Mr. Latham moved the previous question.

On motion, the yeas and nays were ordered, and the call for the previous question was sustained, yeas 28, nays 16.

*Affirmative*—Messrs. Albright, Anderson, Boddie, Busbee, C. M. Cooke, French, Graham, Hargrave, Irwin, Jenkins, Jernigan, Latham, LeGrand, Linney, Love, Marler, McMillan, Pegram, Shaw, Smith, Stanford, Stickney, Sugg, Waddell, Waring, Williamson, Worthy and Young—28.

*Negative*—Messrs. Cantwell, Cashwell, Clement, N. S. Cook, Holton, Kerr, Mabson, McCauley, Mills, Morehead, Paschall, Peebles, Selby, Taylor, Tucker and Walker—16.

The question then recurring upon the amendment offered by Mr. Cooke, to wit: to amend by striking out five hundred and inserting two hundred and fifty, the amend prevailed.

The question then recurring upon the amendment proposed by Mr. Marler, the amendment did not prevail.

The question then recurring upon the amendment, in the nature of a substitute, offered by Mr. Linney,

On motion, the yeas and nays were ordered, and the amendment did not prevail. Yeas 14, nays 31.

*Affirmative*—Messrs. Albright, Cashwell, Clement, Hargrave, LeGrand, Linney, Love, Marler, McElroy, McMillan, Morehead, Pegram, Taylor and Young—14.

*Negative*—Messrs. Anderson, Boddie, Busbee, Cantwell, C. M. Cooke, N. S. Cook, French, Graham, Holton, Irwin, Jenkins, Jernigan, Kerr, Latham, Mabson, McCauley, Mills, Paschall, Peebles, Selby, Shaw, Smith, Stanford, Stickney, Sugg, Waddell, Walker, Waring, Williamson and Worthy—31.

The question then recurring on the passage of the bill on its third reading, the bill passed third time. Yeas 26, nays 19.

*Affirmative*—Messrs. Anderson, Boddie, Busbee, C. M. Cooke, French, Graham, Hargrave, Irwin, Jenkins, Jernigan, Kerr, Latham, McCauley, Mills, Morehead, Pegram, Selby, Shaw, Smith, Stanford, Stickney, Sugg, Waddell, Waring, Williamson and Worthy—26.

*Negative*—Messrs. Albright, Cantwell, Cashwell, Clement, N. S. Cook, Holton, LeGrand, Linney, Love, Mabson, Marler, McElroy, McMillan, Paschall, Peebles, Taylor, Tucker, Walker and Young—19.

Bills on third reading were acted on as follows:

S. B. No. 45: A bill to be entitled an act to amend an act to prohibit the sale of cotton within certain hours, section 1, chapter 622, laws of 1873–'74. The bill was read.

The substitute proposed by the Committee was adopted, and the bill passed the third time. Yeas 40, nays 3.

*Affirmative.*—Messrs. Albright, Anderson, Boddie, Busbee, Cantwell, Cashwell, Clement, French, Graham, Hargrave, Irwin, Jenkins, Jernigan, Kerr, Latham, LeGrand, Linney, Love, Marler, McCauley, McElroy, McMillan, Mills, Morehead, Paschall, Pegram, Selby, Shaw, Smith, Stanford, Stickney, Sugg, Taylor, Tucker, Waddell, Walker, Waring, Williamson, Worthy and Young—40.

*Negative.*—Messrs. N. S. Cook, Holton and Mabson—3.

Bills were acted on, under a suspension of the rules, as follows:

S. B. No. 204: A bill to be entitled an act for the benefit of Wm. H. Sykes, sheriff of Bladen county.

The bill was read and passed second and third times, the yeas and nays being dispensed with by consent.

H. B. No. 205, S. B. No. 215: A bill to be entitled an act providing for an additional term of Wayne Superior Court.

The bill was read and passed second and third times, the yeas and nays being dispensed with by consent.

S. B. No. 214: A bill to be entitled an act for the relief of Luby Harper, sheriff of Greene county.

The bill was read and passed second and third times, the yeas and nays being dispensed with by consent.

The following named bills, amendments and resolutions, reported as correctly engrossed by the Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence:

S. B. No. 103: A bill to be entitled an act to change the name of Charleston, the seat of justice of Swain county, to that of Coleman.

S. B. No. 22: A bill to be entitled an act concerning the Wilmington & Weldon Railroad and Wilmington and Raleigh Railroad Companies.

S. B. No. 51: A bill to be entitled an act to amend section 1, chapter 31, laws of 1873–'74.

S. B. No. 103, H. B. No. 21: A bill to be entitled an act to charter the Watauga and Caldwell Narrow Gauge Railroad, with engrossed Senate amendments.

S. B. No. 70: A bill to be entitled an act for making valid certain irregular entries of lands.

S. B. No. 33: A bill to be entitled an act to amend sections 6 and 9, of chapter 37, of private laws of 1873–'74.

Engrossed Senate amendments to S. B. No. 184, H. B. No. 102: A bill to be entitled an act providing for two additional terms of Superior Court for the county of Wayne.

S. B. No. 214: A bill to be entitled an act for the relief of Luby Harper, sheriff of Greene county.

The following bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

An act for the relief of James I. Moore, sheriff of Granville county.

An act concerning the taking of fish in the waters of Goshe n Swamp.

An act to incorporate Monroe High School, in the county of Union.

An act to allow Luby Harper, sheriff of Greene county, to settle with the Auditor.

Resolution in relation to Civil Rights Bill.

Joint Resolution in relation to Centennial.

On motion, the Senate adjourned until 11 A. M. to-morrow.

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## TWENTY-SECOND DAY.

SENATE CHAMBER, December 11th, 1874.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Mangum.

The Journal of yesterday was read.

Mr. Linney presented a petition from the farmers and sheep raisers of Iredell county, asking the General Assembly to pass a dog law. Referred to the Committee on Propositions and Grievances.

Mr. Selby presented a petition concerning Alligator Lake. Referred to the Committee on Propositions and Grievances.

Mr. Busbee presented a memorial from certain sheriffs assembled in Raleigh, concerning certain amendments to Battle's Revisal. Referred to the Committee on Propositions and Grievances.

Leave of absence was granted Mr. Pegram until Monday, December 14th.

Leave of absence was granted Mr. Stanford until Tuesday the 15th instant.

Leave of absence was granted Mr. Paschall for one day.

Reports from Standing Committees were submitted as follows:

From Committee on Judiciary:

By Mr. Linney, S. B. 183: A bill to be entitled an act to repeal the bastardy law, with a recommendation that it do not pass.

By Mr. Peebles, S. B. 208: A bill to be entitled an act to amend section 4, chapter 40, Battle's Revisal, with a recommendation that it do pass.

By Mr. Kerr, H. B. No. 74, S. B. 200: A bill to be entitled an act to amend section 13, chapter 121, Battle's Revisal, relating to distribution of Battle's Revisal, with a recommendation that it do not pass.

The following named bills and resolutions were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows:

By message from the House of Representatives, H. B. No. 198, S. B. No. 240: A bill to be entitled an act to amend an act to prohibit the sale of spirituous liquors in certain localities. To the Committee on Propositions and Grievances.

H. B. No. 125, S. B. No. 239: A bill to be entitled an act to incorporate Furgerson Camp Ground of the M. E. Church, South, in the county of Haywood. To the Committee on Corporations.

H. B. No. 168, S. B. No. 238: A bill to be entitled an act to amend an act passed at the session of 1873–'74. To the Committee on Propositions and Grievances.

H. R. No. 71, S. R. No. 241: Resolution requesting the Supreme Court to furnish the General Assembly their opinion on the validity of constitutional amendments, &c. To the Committee on Constitutional Reform, with accompanying substitute proposed by Mr. Morehead.

By Mr. Bell: A bill to be entitled an act to amend the charter of the town of Kinston, in the county of Lenoir, and for other purposes. To the Committee on Corporations.

A bill to be entitled an act to repeal so much of chapter 137, laws of 1874, as relates to Jones county. To the Committee on Propositions and Grievances.

By Mr. Cantwell: A bill to be entitled an act to extend the mechanics' and laborers' lien. To the Committee on Propositions and Grievances.

By Mr. Marler: A bill to be entitled an act to amend chapter 5, of Battle's Revisal, so as to prevent white children being bound to colored masters. To the Committee on Judiciary.

By Mr. Peebles: A bill to be entitled an act to define and punish incest. To the Committee on Judiciary.

By Mr. Kerr: A bill to be entitled an act to compensate Dr. George W. Graham for services at Deaf and Dumb and Blind Institute. To the Committee on Deaf and Dumb and Blind Asylum.

By Mr. Mills: A bill to be entitled an act to amend chapter 171, of laws 1872–'73. To the Committee on Propositions and Grievances.

By Mr. McMillan: A bill to be entitled an act to lay off and establish a public road from Horse Gap to the Virginia line. To the Committee on Internal Improvements.

By Mr. Busbee: A bill to be entitled an act to protect the birds of North Carolina. To the Committee on Propositions and Grievances.

By Mr. Latham: A bill to be entitled an act authorizing and requiring the Treasurer to settle with Wm. J. Hardison, sheriff of Martin county.

By Mr. Mills: Resolution for the relief of the Insane Asylum. To the Committee on Insane Asylum.

Bills on third reading were acted upon, as follows:

S. B. No. 113, H. B. No. 16: A bill to be entitled an act amendatory of an act to lay out and construct a road through the counties of Alleghany and Ashe, ratified March 1st, 1870.

The bill was read and passed third time, the yeas and nays being dispensed with by consent.

S. B. No. 118, H. B. No. 56: A bill to be entitled an act to amend chapter 37, section 2, of laws of 1873–'74.

The bill was read and passed third time, the yeas and nays being dispensed with by consent.

S. B. No. 116, H. B. No. 45: A bill to be entitled an act to amend section 84, chapter 32, of Battle's Revisal, concerning retailing spirituous liquors. The bill was read.

The question recurring on the amendment proposed by the Committee on Judiciary, the amendment prevailed, and the bill, as amended, passed third time. Yeas 38, nays 4.

*Affirmative.*—Messrs. Albright, Anderson, Bell, Boddie, Cantwell, Cashwell, Clement, C. M. Cooke, French, Graham, Hargrave, Irwin, Jenkins, Jernigan, Kerr, Latham, LeGrand, Linney, Love, McCauley, McElroy, McMillan, Mills, Morehead, Peebles, Pegram, Selby, Shaw, Smith, Sneed, Stickney, Sugg, Taylor, Waddell, Waring, Williamson, Worthy and Young—38.

*Negative.*—Messrs. N. S. Cook, Holton, Paschall and Walker—4.

Bills on second reading were acted upon, as follows:

S. B. No. 7: A bill to be entitled an act to require the registration of deeds. The bill was read the second time.

The question recurring upon the adoption of the substitute proposed by the Committee on Judiciary, Mr. Cooke, of Franklin, moved to amend by adding after the word "consideration," in the 10th line of the substitute, the words "without notice."

Mr. Bell moved to amend by striking out section 2 of the substitute, as offered by the Committee.

Pending the consideration of these amendments, Mr. Morehead moved to re-commit the bill, with accompanying amendments, to the Committee on Judiciary.

The motion prevailed, and the bill, with amendments proposed by Mr. Cooke, of Franklin, and Mr. Bell, was re-committed to the Committee on Judiciary.

Bills were acted upon, under a suspension of the rules, as follows:

S. B. No. 134: A bill to be entitled an act to amend chapter 105, of Battle's Revisal. The bill was read second time.

The question recurring on the adoption of the substitute

proposed by the Committee on Judiciary, the substitute was amended so as to make the title read: "A bill entitled an act to amend chapter 30, section 6, acts of 1868–'69, and chapter 105, section 16, acts of 1870–'71, of Battle's Revisal," and the substitute, as amended, was adopted.

The bill, as amended, was read and passed the third time, the yeas and nays being dispensed with by consent.

S. B. No. 231: A bill to be entitled an act authorizing and requiring the Treasurer to settle with William J. Hardison, sheriff of Martin county. The bill was read and passed second and third times, the yeas and nays being dispensed with by consent.

A message was received from the House of Representatives asking for a committee of conference to consider S. B. No. 34, H. B. No. 172. The Chair announced on this committee Messrs. Morehead, Kerr and Peebles.

The following named bills, amendments and resolutions, reported as correctly engrossed by the Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence:

S. B. No. 231: A bill to be entitled an act authorizing and requiring the Treasurer to settle with Wm. J. Hardison, sheriff of Martin county.

S. B. No. 96: A bill to be entitled an act to amend section 2, chapter 23, Battle's Revisal, entitled "Constables."

S. B. No. 102: A bill to be entitled an act to prevent the misapplication of the bonds, securities and other the property and effects of the State.

S. B. No. 109: A bill to be entitled an act to better protect the reputation of innocent women.

S. B. No. 204: A bill to be entitled an act for the benefit of W. H. Sykes, sheriff of Bladen county, with accompanying substitute.

S. R. No. 3: Resolution concurring in the memorial of the Chamber of Commerce of the city of Wilmington.

Engrossed Senate amendments to H. B. No. 17, S. B. No. 82: A bill to be entitled an act to amend chapter 106, section 15, Battle's Revisal, and chapter 105, and section 17, of Revised Code.

On motion, the Senate adjourned until 11 A. M. to-morrow.

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## TWENTY-THIRD DAY.

SENATE CHAMBER, December 12th, 1874.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Rich.

The Journal of yesterday was read.

Mr. Latham presented a petition from certain justices of the peace of Beaufort county, in relation to fees. Read and referred to the Committee on Propositions and Grievances.

Mr. Linney presented a communication from an eminent citizen of Charlotte, addressed to the President of the Senate, in reference to certain amendments to the statute law. Referred to the Committee on Judiciary.

On motion of Mr. Cooke, of Franklin, on behalf of the Committee on Constitutional Reform, it was ordered that the usual number of copies of Mr. Cantwell's bill concerning constitutional reform be printed.

Leave of absence was granted Mr. Holton until Wednesday next.

Reports from Standing Committees were submitted as follows:

From Committee on Judiciary:

By Mr. Cooke, of Franklin, S. B. No. 97: A bill to be entitled an act to amend sections 13 and 15, chapter 64, Battle's Revisal, with a recommendation that it do pass, with the accompanying amendments.

By Mr. Jernigan, H. B. No. 144, S. B. No. 212: A bill to be entitled an act declaring the shares of stock in corporations to be personal estate, with a recommendation that it do not pass.

By Mr. Morehead, S. B. No. 164: A bill to be entitled an act to punish a person for obtaining any money, goods, property or anything of value, from any person or corporation by means of a false promise that he will convey to them in payment of the same certain real or personal property, with a recommendation that it do pass.

From Committee on Propositions and Grievances:

By Mr. Latham, H. B. No. 168, S. B. No. 238: A bill to be entitled an act to amend an act passed at the session of 1873–'74, with a recommendation that it do pass.

S. B. No. 244: A bill to be entitled an act to extend the mechanics' and laborers' lien, with a recommendation that it do pass, with accompanying amendment.

S. B. No. 235: A bill to be entitled an act to amend chapter 171, laws of 1872–'73, with a recommendation that it do pass.

H. B. No. 198, S. B. No. 240: A bill to be entitled an act to amend an act to prohibit the sale of spirituous liquors in certain localities, with a recommendation that it do pass.

From Committee on Corporations:

By Mr. Busbee, S. B. No. 133: A bill to be entitled an act to amend the charter of the town of Newport, Carteret county, with a recommendation that it do pass with the accompanying amendment.

From Committee on Internal Improvements:

By Mr. Waring, H. B. No. 98, S. B. No. 162: A bill to be entitled an act authorizing the making a turnpike road in Haywood county, with accompanying amendments.

From Committee on Immigration, Statistics and Agriculture:

By Mr. Love: H. B. No. 136, S. B. No. 226: A bill to be entitled an act to amend an act entitled an act to establish a Bureau of Immigration, Statistics and Agriculture, with a recommendation that it do pass.

From Committee on Propositions and Grievances:

By Mr. Latham: Memorial concerning amendments of Battle's Revisal, with a request that the committee be discharged from its further consideration, and the committee was discharged from further consideration of the memorial.

From Committee on Corporations:

By Mr. Busbee, S. B. No. 181: A bill to be entitled an act to amend an act entitled an act to consolidate an act incorporating the town of Lenoir, Caldwell county, and the acts amendatory thereof, with a recommendation that it do pass.

The following named bills and resolutions were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows:

By message from the House of Representatives, H. B. No. 200, S. B. No. 287: A bill to be entitled an act to repeal chapter 41, laws of 1873–'74, in regard to inspector of wood and coal for the city of Raleigh. To the Committee on Propositions and Grievances.

H. B. No. 122, S. B. No. 286: A bill to be entitled an act to provide for the release of insolvent defendants in criminal actions. To the Committee on Judiciary.

H. B. No. 223, S. B. No. 285: A bill to be entitled an act to amend chapter 105, laws of 1872–'73, as brought forward in Battle's Revisal, chapter 55, section 24, in regard to the allotment of homestead exemptions. To the Committee on Judiciary.

H. B. No. 117, S. B. No. 284: A bill to be entitled an act to amend chapter 38, as brought forward in Battle's Revisal. To the Committee on Judiciary.

H. R. No. 73, S. R. No. 283: Resolution in favor of W. F. Cooper, sheriff of Graham county. Concurred in.

H. R. No. 78: Resolution of respect to the memory of the late Tod R. Caldwell.

On motion, the consideration of this resolution was made the special order for 1½ o'clock P. M. to-day.

By Mr. Cantwell: A bill to be entitled an act to authorize

the city of Wilmington to issue bonds. To the Committee on Judiciary.

A bill to be entitled an act in relation to the original plan of the town of Wilmington. To the Committee on Judiciary.

A bill to be entitled an act for the better government and regulation of the city of Wilmington, and for other purposes. To the Committee on Propositions and Grievances.

S. R. No. 279: Resolution in favor of convicts at the Penitentiary. To the Committee on Penal Institutes.

By Mr. Kerr: A bill to be entitled an act to amend section 53, chapter 33, of Battle's Revisal. To the Committee on Judiciary.

By Mr. Waddell: A bill to be entitled an act to repeal section 17, chapter 112, of Battle's Revisal. To the Committee on Judiciary.

By Mr. Bell: A bill to be entitled an act to incorporate Kinston Lodge, No. 316, F. and A. M. To the Committee on Corporations.

By Mr. Irwin: A bill to be entitled an act to amend section 40, chapter 104, Battle's Revisal. To the Committee on Judiciary.

By Mr. Shaw: A bill to be entitled an act to authorize the trustees of Pasquotank county to build public school houses in certain districts. To the Committee on Education.

A communication from his Excellency, the Governor, with reports from the officers of the State Prison, was received by message from the House of Representatives, together with a proposition to print. The proposition was concurred in.

The following named resolutions were introduced, read and disposed of, as follows:

By Mr. Graham, S. R. No. 245: Resolution concerning the State's interest in the North Carolina Railroad Company. Adopted.

By Mr. Waring, S. R. No. 246: Resolution of instruction to the Governor concerning Lee Dunlap, an escaped prisoner. Laid over under the rules.

Bills on third reading were acted on as follows:

S. B. No. 91: A bill to be entitled an act to amend an act entitled an act to amend section 14, chapter 105, of Battle's Revisal, passed by the General Assembly at its session of 1873–'74. The bill was read third time.

It was moved that the substitute adopted on the second reading of this bill be struck out.

Pending the consideration of this motion, the hour for the special order arrived, and the Senate proceeded to consider H. R. No. 78: Resolution of respect to the memory of the late Tod R. Caldwell. The resolution was concurred in, and ordered to be spread upon the Journal, as follows:

WHEREAS, Since the close of the last session of the General Assembly, Hon. Tod R. Caldwell, at that time the Chief Executive of our State, was stricken by the hand of death whilst in the discharge of the duties of his high office; *and whereas*, it is meet and proper that this General Assembly, as a co-ordinate branch of the State Government, should pay the fullest respect to the memory of one who occupied the highest position of honor and trust within the gift of the people of this State; therefore,

*Be it resolved by the General Assembly*, That in the death of the late Governor, Tod R. Caldwell, the State has lost a son who was faithful and fearless in the discharge of what he conceived to be his duty and obligations to his native State, and ready at all times to further, by his efforts, her material welfare and prosperity.

*Resolved*, That we recognize in the deceased a man whose personal character was free from stain or reproach, and whose private life was distinguished by his ability, honesty, integrity and uprightness.

*Resolved*, That these resolutions be spread upon the Journals of the General Assembly, and that the President of the Senate and the Speaker of the House of Representatives be, and they

are hereby, requested to transmit to the widow of the deceased a copy of these resolutions, with an expression of heart-felt sympathy and condolence in her great bereavement.

Bills on second reading were acted on as follows:

S. B. No. 28: A bill to be entitled an act to amend chapter 65, section 9, Battle's Revisal. The bill was read the second time and rejected.

S. B. No. 53: A bill to be entitled an act concerning certificates held by George W. Hallock, of New York. The bill was read, and, on motion of Mr. Cantwell, laid upon the table.

H. B. No. 18, S. B. No. 68: A bill to be entitled an act to incorporate the Diamond Cotton Chopper and Cultivator Company, ratified the 17th of January, 1874. The bill was read the second time.

The question recurring upon the adoption of the amendment proposed by the Committee on Judiciary, the amendment prevailed, and the bill passed the second time, the yeas and nays being dispensed with by consent.

S. B. No. 76: A bill to be entitled an act to incorporate the Raleigh Savings' Bank and Trust Company. The bill was read second time.

The question recurring upon the adoption of the amendments proposed by the Committee on Banks and Currency, the amendments prevailed, and the bill passed second time.

On motion, the rules were suspended, and the bill was read and passed third time, the yeas and nays being dispensed with by consent.

Mr. Busbee moved a reconsideration of the bill on its third reading. The motion prevailed.

Mr. Busbee moved to amend by striking out "perpetual succession" in section 1, line 11, and inserting "continual succession for ninety-nine years."

The amendment prevailed, and the bill passed the third time, the yeas and nays being dispensed with by consent.

S. B. No. 39: A bill to be entitled an act to repeal chapter

176, of the laws of 1873–'74. The bill was read the second time.

Mr. Latham moved to indefinitely postpone.

Pending the consideration of this motion, the previous question was ordered, and the bill was rejected. Yeas 2, nays 40.

*Affirmative.*—Messrs. Bell and Kerr—2.

*Negative.*—Messrs. Albright, Anderson, Boddie, Busbee, Cantwell, Cashwell, Clement, C. M. Cooke, N. S. Cook, French, Graham, Hargrave, Holton, Irwin, Jernigan, Latham, LeGrand, Linney, Love, Mabson, Marler, McCanley, McElroy, McMillan, Mills, Morehead, Peebles, Selby, Shaw, Smith, Stickney, Sugg, Taylor, Tucker, Waddell, Walker, Waring, Williamson, Worthy and Young.—40.

Bills and resolutions were acted upon, under a suspension of the rules, as follows:

S. R. No. 131: Resolution for the relief of the Wilmington and Weldon Railroad Company.

On motion, the resolution was re-committed to the Committee on Claims.

S. B. No. 144: A bill to be entitled an act to prevent obstructions to the navigation of Newport river.

The bill was read and passed second and third times, the yeas and nays being dispensed with by consent.

The following named bills, amendments and resolutions, reported as correctly engrossed by the Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence:

S. B. No. 45: A bill to be entitled an act to amend an act to prohibit the sale of cotton within certain hours, section 1, chapter 62, laws of 1873–'74.

S. B. No. 49: A bill to be entitled an act to require justices of the peace to give bond.

Engrossed Senate amendments to H. R. No. 64, S. R. No. 225: Resolution of instruction to State Geologist.

The following bills, reported as correctly enrolled by Com-

mittee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

An act to amend chapter 106, section 15, of Battle's Revisal.

An act to regulate the times of holding the terms of the Superior Court of Cumberland county.

An act to charter the Watauga and Caldwell Narrow Gauge Railroad Company.

An act providing for an additional term of Wayne Superior Court.

On motion, the Senate adjourned until 11 A. M. Monday.

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## TWENTY-FOURTH DAY.

SENATE CHAMBER, December 14th, 1874.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Atkinson.

The Journal of Saturday was read.

Leave of absence was granted Mr. Cashwell until the 21st instant.

A message was received from the House of Representatives, transmitting to the Senate engrossed House amendments to

S. B. No. 26, H. B. No. 191: A bill to be entitled an act to amend section 6, chapter 91, of Battle's Revisal.

The amendments were concurred in, and the bill, as amended, ordered to be enrolled for ratification.

Reports from Standing Committees were submitted as follows:

From Committee on Judiciary:

By Mr. Linney, S. B. No. 202, H. B. No. 92: A bill to be entitled an act to require personal representatives to give bond

pending caveat of wills, and for other purposes, with a recommendation that it do not pass.

From Committee on Corporations:

By Mr. Busbee, House Bills Nos. 79, 126, 159 and 189, (numbered respectively Senate Bills Nos. 174, 198, 199 and 230), with a recommendation that they be returned to the House of Representatives for information as to whether proper notice, by advertisement, of the introduction of said bills has been given or not.

The following named resolution was introduced, read and disposed of, as follows:

By Mr. LeGrand: Resolution in favor of Godfrey Keebler. To the Committee on Propositions and Grievances.

The consideration of resolutions being in order, S. R. No. 246: Resolution of instruction to the Governor concerning Lee Dunlap, an escaped prisoner, was read.

Mr. Love moved to amend by striking out "$500" and inserting "$300."

The amendment did not prevail, and the resolution passed the first time. Yeas 35, nays 4.

*Affirmative*—Messrs. Albright, Anderson, Bell, Boddie, Busbee, Cantwell, Cashwell, Clement, C. M. Cooke, French, Hargrave, Irwin, Jenkins, Jernigan, Kerr, Linney, Love, Marler, McCanley, McElroy, McMillan, Mills, Pegram, Shaw, Smith, Stickney, Sugg, Taylor, Tucker, Waddell, Walker, Waring, Williamson, Worthy and Young—35.

*Negative*—Messrs. Latham, LeGrand, Mabson and Selby—4.

The following named bills and resolutions were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows:

By message from the House of Representatives, H. B. No. 208: A bill to be entitled an act to lay out and construct a public road from Boone, Watauga county, to the Caldwell and Watauga Turnpike. To the Committee on Corporations.

H. B. No. 9: A bill to be entitled an act for the better protection of the county bridge across Scuppernong river, at Co-

lumbia, in Tyrrell county. To the Committee on Propositions and Grievances.

H. B. No. 247: A bill to be entitled an act for the relief of the sureties of T. F. Lee, late sheriff of Wake county. To the Committee on Propositions and Grievances.

H. B. No. 148: A bill to be entitled an act for the relief of the sureties of T. F. Lee, late sheriff of Wake county. To the Committee on Propositions and Grievances.

H. R. No. 80: Resolution of instruction to our Representatives in Congress concerning Freedman's Saving and Trust Company. Concurred in.

H. B. No. 58: A bill to be entitled an act to repeal a resolution in relation to the North Carolina Manual. To the Committee on Propositions and Grievances.

H. R. No. 79: Resolution urging the repeal by Congress of the tax on issues of State Banks. To the Committee on Banks and Currency, and ordered to be printed.

By Mr. Hargrave: A bill to be entitled an act to protect the birds of North Carolina. To the Committee on Propositions and Grievances.

By Mr. Jernigan: A bill to be entitled an act in regard to compromises. To the Committee on Judiciary.

By Mr. Waring: A bill to be entitled an act for the better protection of gardens, orchards and enclosures. To the Committee on Judiciary.

The consideration of the unfinished business of the preceding day being in order, S. B. No. 91: A bill to be entitled an act to amend an act entitled "an act to amend section 14, chapter 105, Battle's Revisal," passed by the General Assembly at its session of 1873–'74, was read.

The question recurring upon the motion to strike out the substitute adopted on the several readings of the bill, the motion prevailed.

The question then recurring upon the passage of the bill on its third reading, the bill was rejected. Yeas 13, nays 25.

*Affirmative.*—Messrs. Busbee, Cantwell, C. M. Cooke,

French, Irwin, Jernigan, Kerr, Mills, Shaw, Smith, Stickney, Waddell and Waring—13.

*Negative.*—Messrs. Albright, Anderson, Bell, Boddie, Cashwell, Clement, N. S. Cook, Hargrave, Jenkins, Latham, LeGrand, Linney, Love, Mabson, Marler, McCauley, McElroy, McMillan, Pegram, Sugg, Taylor, Walker, Williamson, Worthy and Young—25.

Bills on third reading were acted on as follows:

H. B. No. 18, S. B. No. 68: A bill to be entitled an act to incorporate the Diamond Cotton Chopper and Cultivator Company, ratified the 17th of January, 1874. The bill was read and passed the third time, the yeas and nays being dispensed with by consent.

Bills on second reading were acted on as follows:

S. B. No. 91: A bill to be entitled an act to amend sections 13 and 15, chapter 64 of Battle's Revisal. The bill was read, ordered to be printed and made the special order for 11½ A. M., Thursday the 17th of December.

S. B. No. 110: A bill to be entitled an act to give landlords or their agents, without written agreement, a lien for provisions or stores furnished to tenants or lessees, upon the crops of such tenants or lessees. The bill was read, and, on motion, was postponed, and made the special order for 12 M., Thursday December 17th.

S. B. No. 119, H. B. No. 64: A bill to be entitled an act for the relief of John Horton, former sheriff of Watauga county. On motion, the bill was postponed and made the special order for 11½ A. M. Friday, December 18th.

S. B. No. 132: A bill to be entitled an act to change the office hours of the State Librarian during the sessions of the General Assembly. The bill was read and passed the second time.

S. B. No. 133: A bill to be entitled an act to amend the charter of the town of Newport, Carteret county.

The amendments proposed by the committee prevailed, and the bill, as amended, passed its second reading.

On motion, the rules were suspended, and the bill was read and passed third time, the yeas and nays being dispensed with by consent.

S. B. No. 146, H. B. No. 89: A bill to be entitled an act to amend section 1, chapter 32, of laws of 1872–'73. The bill was read and passed the second time.

S. B. No. 148, H. B. No. 88: A bill to be entitled an act to amend chapter 104, section 15, of Battle's Revisal. The bill was read, and, on motion, was indefinitely postponed.

S. B. No. 152, H. B. No. 181: A bill to be entitled an act to repeal section 3, chapter 176, of public laws of 1873–'74.

The amendment proposed by the committee prevailed, and the bill, as amended, was read and passed the second time.

H. B. No. 52, S. B. No. 154: A bill to be entitled an act to amend section 15, chapter 104, of Battle's Revisal, entitled "Roads, Ferries, &c." The bill was read and passed second time.

S. B. No. 159: A bill to be entitled an act to extend the time of payment on certain entries of vacant land. The bill was read and passed the second time.

S. B. No. 160: A bill to be entitled an act to amend chapter 65, section 9, of Battle's Revisal, entitled "liens of mechanics and others." The bill was read and made the special order for Friday at 12 M., December 18th.

H. B. No. 98, S. B. No. 162: A bill to be entitled an act authorizing the making a turnpike road in Haywood county. Re-committed to the Committee on Corporations.

H. B. No. 124, S. B. No. 163: A bill to be entitled an act to amend chapter 19, laws of 1873–'74, entitled an act to restore the records of Watauga county. The bill was read and passed the second time.

On motion, the rules were suspended, and the bill was read and passed the third time, the yeas and nays being dispensed with by consent.

S. B. No. 170: A bill to be entitled an act to pay Peter

Adams mileage and *per diem* due him as Senator in 1864. The bill was read and indefinitely postponed.

S. R. No. 171: Resolution in favor of W. W. Holden.

The resolution was read, and, on motion, postponed and made the special order for January 21st, at 12 M.

H. B. No. 62, S. B. No. 155: A bill to be entitled an act to amend chapter 246, of laws of 1870–'71. The bill was read and passed the second time.

On motion, the rules were suspended, and the bill was read and passed the third time, the yeas and nays being dispensed with by consent.

The following named bill, reported as correctly engrossed by the Committee on Engrossed Bills, was transmitted to the House of Representatives for concurrence:

S. B. No. 144: A bill to be entitled an act to prevent obstructions to the navigation of Newport river.

The following bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

An act to amend chapter 37, section 2, of the laws of 1873–'74.

An act amendatory of an act to lay out and construct a road through the counties of Alleghany and Ashe, ratified March 1st, 1870.

An act authorizing and requiring the Treasurer to settle with Wm. J. Hardison, sheriff of Martin county.

An act to amend chapter 27, laws of 1873–'74.

Resolution of instruction to the State Geologist.

On motion, the Senate adjourned until 11 A. M. to-morrow.

## TWENTY-FIFTH DAY.

SENATE CHAMBER, December 15th, 1874.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Marshall.

The Journal of yesterday was read.

Leaves of absence were granted as follows: To Mr. Smith, until the 21st inst., on account of ill health; to Mr. McElroy, from Friday next until the 21st inst.; to Mr. Williamson, until Friday next, including to-day; to Mr. Sugg, from Thursday next until the 21st inst.; to Mr. Linney, from Friday next until December 21st; to Mr. Young, from Friday next until the 21st inst.; to Mr. Selby, from Friday next until the 21st inst.; to Mr Tucker, from Thursday evening next until the 21st inst.

Reports from Standing Committees were submitted as follows:

From Committee on Propositions and Grievances:

By Mr. Latham, S. R. No. 288: Resolution in favor of Godfrey Keebler, with a recommendation that it do pass.

S. B. No. 234: A bill to be entitled an act to repeal so much of chapter 137, laws of 1874, as relates to Jones county, with a recommendation that it do not pass.

H. B. No. 9, S. B. No. 293: A bill to be entitled an act for the better protection of the county bridge across Scuppernong river at Columbia, in Tyrrell county, with a recommendation that it do pass.

S. B. No. 289: A bill to be entitled an act to protect the birds of North Carolina, with a recommendation that it do pass with the accompany amendment.

H. B. No. 58, S. B. No. 292: A bill to be entitled an act to repeal a resolution in relation to the North Carolina Manual, with a recommendation that it do not pass, the Senate having already passed a bill on this subject.

From Committee on Judiciary:

By Mr. Shaw, H. B. No. 13, S. B. No. 112: A bill to be entitled an act to amend sections 264, 265, 270 and 273, of Code of Civil Procedure, with an amendment, in the nature of a substitute.

H. B. No. 117, S. B. No. 224: A bill to be entitled an act concerning publication of accounts audited by county commissioners, with a recommendation that it do not pass.

H. B. No. 42, S. B. No. 197: A bill to be entitled an act concerning lost or destroyed records, with a recommendation that it do pass.

By Mr. Jernigan, S. B. No. 52: A bill to be entitled an act concerning land sold for taxes, with a recommendation that it do not pass.

By Mr. Shaw, H. B. No. 85, S. B. No. 149: A bill to be entitled an act to repeal chapter 54, laws of 1871–'72, with a recommendation that it do not pass.

By Mr. Jernigan, S. B. No. 220: A bill to be entitled an act to amend section 78, chapter 33, Battle's Revisal, with a recommendation that it do not pass.

S. B. No. 194: A bill to be entitled an act to appoint public guardians, with accompanying amendment.

By Mr. Shaw, H. B. No. 133, S. B. No. 211: A bill to be entitled an act to authorize the government of the United States to purchase and hold land in North Carolina for the purpose of a national cemetery, with a recommendation that it do pass.

By Mr. Busbee, S. B. No. 219: A bill to be entitled an act to alter and amend chapter 17, section 368, Battle's Revisal, with a recommendation that it do pass.

By Mr. Mills, S. R. No. 242: Resolution for the relief of the Insane Asylum, with an amendment, in the nature of a substitute.

The following named bills and resolutions were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows:

By Mr. Morehead: A bill to be entitled an act to call a con-

vention to amend the Constitution. To the Committee on Constitutional Reform, and ordered to be printed.

By Mr. Peebles: A bill to be entitled an act to incorporate the Albemarle and Roanoke Railroad Company. To the Committee on Internal Improvements.

By Mr. Busbee: A bill to be entitled an act to amend chapter 182, section 10, private laws of 1872–'73, entitled an act to incorporate the Central Fire Insurance Company of North Carolina. Placed on the calendar.

By Mr. Jenkins: A bill to be entitled an act to change the time of sales day. To the Committee on Judiciary.

By Mr. Mills: A bill to be entitled an act to call a convention of the people. To the Committee on Constitutional Reform, and ordered to be printed.

By Mr. Marler: A bill to be entitled an act to allow ministers of the gospel of any denomination to vote at any voting place in any township in the county in which they reside. To the Committee on Privileges and Elections.

By Mr. Selby: A bill to be entitled an act concerning pilots. To the Committee on Propositions and Grievances.

By Mr. Tucker: A bill to be entitled an act to provide for the pay of Registrars and Judges, and Inspectors of Elections. To the Committee on Privileges and Elections.

By Mr. McCauley: A bill to be entitled an act to amend chapter 17, of Battle's Revisal, title 11, Code of Civil Procedure. To the Committee on Judiciary.

By Mr. Shaw: Resolution to investigate the affairs of the Albemarle and Chesapeake Canal Company.

The resolution was read and passed the first time, under a suspension of the rules.

The resolution was read the second time, and, on motion of Mr. Albright, referred to the Committee on Judiciary.

By Mr. Mabson: Resolution in favor of education. The resolution was read, and, on motion of Mr. Love, made the special order for January 22nd, 1875.

By Mr. Kerr: Resolution relating to adjournment. Laid over under the rules.

By Mr. Stickney: Resolution for the relief of F. J. Satchwell, sheriff of Beaufort county. Adopted.

By message from the House of Representatives, H. B. No. 185: A bill to be entitled an act to authorize Notaries Public to take privy examinations of married women in certain cases. To the Committee on Judiciary.

Bills and resolutions were acted on, under a suspension of the rules, as follows:

S. B. No. 159: A bill to be entitled an act to extend the time of payment in certain entries of vacant lands. The bill was read and passed the third time, the yeas and nays being dispensed with by consent.

S. R. No. 242: Resolution for the relief of the Insane Asylum. The resolution was read the second time, and the substitute proposed by the Joint Committee on Insane Asylum, was adopted.

The resolution, as amended, was read and passed third time. Yeas 40, nays 1.

*Affirmative.*—Messrs. Albright, Anderson, Bell, Boddie, Bryant, Busbee, Cantwell, Clement, C. M. Cooke, N. S. Cook, French, Graham, Irwin, Jenkins, Jernigan, Kerr, Latham, LeGrand, Linney, Love, Marler, McCauley, McElroy, McMillan, Mills, Morehead, Paschall, Pegram, Selby, Shaw, Stanford, Stickney, Sugg, Taylor, Tucker, Waddell, Walker, Waring, Worthy and Young—40.

*Negative*—Mr. Mabson—1.

S. R. No. 171: Resolution in favor of W. W. Holden, on motion of Mr. Cantwell, was re-committed to the Committee on Judiciary.

Bills on third reading were acted on as follows:

H. B. No. 89, S. B. No. 146: A bill to be entitled an act to amend section 1, chapter 32, of laws of 1872–'73. The bill was read and passed third time, the yeas and nays being dispensed with by consent.

H. B. No. 52, S. B. 154: A bill to be entitled an act to amend section 15, chapter 104, Battle's Revisal, entitled "Roads, Ferries, &c." The bill was read and passed third time, the yeas and nays being dispensed with by consent.

S. B. No. 132: A bill to be entitled an act to change the office hours of the State Librarian during the sessions of the General Assembly. The bill was read the third time, and, on motion, indefinitely postponed.

H. B. No. 81, S. B. No. 152: A bill to be entitled an act to repeal section 3, chapter 176, of the public laws of 1873–'74. The bill was read and passed third time, the yeas and nays being dispensed with by consent.

A message was received from the House of Representatives informing the Senate that that body had appointed Messrs. Mebane, Moring, Oaksmith, Barnett and Blythe as the committee of conference on the part of the House to confer with the committee on the part of the Senate, in relation to S. B. No. 34, H. B. No. 172.

A message was received from the House of Representatives, returning bills heretofore sent to the Senste, to-wit: H. B. No. 189, H. B. No. 159, H. B. No. 126, and H. B. No. 79, with the information that no certified copy of advertisement giving notice of the introduction of said bills was produced on their passage in that House.

A communication was received from the Deputy Warden of the State Prison in reference to a resolution asking information in regard to the number of hours in which the convicts are required to labor.

The following named bills, amendments and resolutions, reported as correctly engrossed by the Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence:

S. B. No. 134: A bill to be entitled an act to amend chapters 30 and 105, of Battle's Revisal.

S. R. No. 299: Resolution in favor of F. J. Satchwell, sheriff of Beaufort county.

Engrossed Senate amendments to H. B. No. 45, S. B. 116: A bill to be entitled an act to amend section 84, chapter 32, of Battle's Revisal.

The following resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

Resolution in favor of W. F. Cooper, sheriff of Graham county.

Resolutions of respect to the memory of the late Gov. Tod R. Caldwell.

On motion, the Senate adjourned until 10 A. M. to-morrow.

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## TWENTY-SIXTH DAY.

SENATE CHAMBER, December 16th, 1874.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

Mr. Latham presented a memorial from certain citizens of Beaufort county, asking the General Assembly to establish a ferry at or near Washington, which was referred to the Committee on Judiciary.

A communication was received from the Treasurer of the State, addressed to the President of the Senate, in response to a resolution requesting information concerning the valuation for taxation on the railroad, canal and telegraph companies in this State, &c. Referred to the Committee on Finance.

Leaves of absence were granted, as follows:

To Mr. Mills, from Friday next until the 21st inst.

To Mr. Anderson, from Saturday ensuing next until the 21st inst.

To Mr. Stickney, from Friday next until the 21st inst.

Mr. Cantwell moved to adjourn until to-morrow at 11 A. M.

The yeas and nays being ordered, the motion did not prevail. Yeas none, nays 39.

*Affirmative*—None.

*Negative*—Mr. President, Messrs. Albright, Anderson, Bell, Boddie, Busbee, Cantwell, Clement, C. M. Cooke, French, Graham, Hargrave, Holton, Irwin, Jenkins, Jernigan, Kerr, Latham, LeGrand, Linney, Love, Mabson, Marler, McCauley, McElroy, Mills, Morehead, Shaw, Sneed, Stanford, Stickney, Sugg, Taylor, Tucker, Waddell, Walker, Waring, Worthy and Young—39.

Reports from Standing Committees were submitted, as follows:

From Committee on Propositions and Grievances:

By Mr. Latham, H. B. No. 200, S. B. No. 287: A bill to be entitled an act to repeal chapter 41, laws of 1873–'74, in regard to inspector of wood and coal for the city of Raleigh, with a recommendation that it do pass.

H. B. No. 247, S. B. No. 295: A bill to be entitled an act for the relief of the sureties of T. F. Lee, late sheriff of Wake county, with a recommendation that it do not pass.

H. B. No. 148, S. B. No. 294: A bill to be entitled an act for the relief of the sureties of T. F. Lee, late sheriff of Wake county, with accompanying amendments.

S. B. No. 192: A bill to be entitled an act to create the county of Lillington, with a recommendation that it do pass.

S. B. No. 281: A bill to be entitled an act for the better government and regulation of the city of Wilmington, and for other purposes, with a recommendation that it do pass.

S. B. No. 233: A bill to be entitled an act to protect the birds of North Carolina, with a recommendation that it do not pass.

From Joint Committee on Public Debt:

By Mr. Waring, S. B. No. 135: A bill to be entitled an act to compromise and settle the public debt of the State, with accompanying amendments, in the nature of a substitute.

On motion, it was ordered that ten (10) copies of this substitute be printed for each member of the General Assembly, the House concurring.

On motion of Mr. Waring, the substitute was made the special order for January 26th, 1875, at 12 M.

From Committee on Internal Improvements:

By Mr. Waring, S. B. No. 300: A bill to be entitled an act to incorporate the Albemarle and Roanoke Railroad Company. The bill was read second time, under a suspension of the rules, and, on motion of Mr. French, was postponed and made the special order for to-morrow at 12 M.

From Committee on Education:

By Mr. Bell, S. B. No. 92: A bill to be entitled an act for the improvement and reclamation of certain swamp lands in New Hanover and other counties, with a recommendation that it do pass, with accompanying additional sections.

The following named bills and resolutions were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows:

By message from the House of Representatives, H. B. No. 226: A bill to be entitled an act to repeal chapter 166, laws of 1871–'72. To the Committee on Propositions and Grievances.

H. B. No. 72: A bill to be entitled an act to levy a special tax for the county of Jones. To the Committee on Propositions and Grievances.

H. B. No. 199: A bill to be entitled an act to amend chapter 12, Battle's Revisal, concerning Building Associations. To the Committee on Judiciary.

H. R. No. 85: Resolution to print the titles of all laws of this session, and all bills undisposed of. Concurred in.

H. R. No. 87: Resolution reducing the price of Battle's Revisal. Concurred in.

H. R. No. 89: Resolution in regard to flag-staff on the top of the Capitol. The resolution was read.

Mr. Cantwell moved to amend by striking out the word "base" and inserting in lieu thereof the word "top."

Pending the consideration of the resolution, the previous question was ordered, and the amendment did not prevail.

The question then recurring upon concurring in the resolution, the resolution was concurred in.

By Mr. Waring: A bill to be entitled an act to repeal an act incorporating the Beneficial Association. To the Committee on Propositions and Grievances.

By Mr. Tucker: A bill to be entitled an act for the building and repairing of school houses in Craven county. To the Committee on Education.

By Mr. Paschall: A bill to be entitled an act to provide a *per diem* for school committeemen. To the Committee on Education.

By Mr. Mills: A bill to be entitled an act to create another township in Burke county.

By Mr. Tucker: A bill to be entitled an act to aid public schools and to abolish poll tax. To the Committee on Constitutional Reform.

By Mr. Bell: Resolution in favor of Engrossing and Enrolling Clerks. Laid over under the rules.

A message was received from the House of Representatives transmitting House amendments to S. B. No. 77, H. B. No. 12: A bill to be entitled an act in relation to the North Carolina Manual. The amendment was concurred in.

The consideration of resolutions being in order, S. R. No. 309: Resolution in relation to adjournment on the 16th inst., was read.

Mr. Busbee moved to lay the resolution on the table.

The yeas and nays being ordered, the motion prevailed. Yeas 26, nays 16.

*Affirmative*—Messrs. Albright, Bell, Boddie, Bryant, Busbee, C. M. Cooke, Graham, Hargrave, Jenkins, Jernigan, Latham, Marler, McCauley, Morehead, Paschall, Peebles, Pegram, Shaw, Sneed, Stanford, Taylor, Tucker, Waddell, Walker, aring and Worthy—26.

*Negative*—Messrs. Anderson, Cantwell, Clement, French, Irwin, Kerr, LeGrand, Linney, Love, McElroy, McMillan, Mills, Selby, Stickney, Sugg and Young—16.

The hour for the special order having arrived, to wit: S. B. No. 13: A bill to be entitled an act to establish a legal rate of interest, and to prevent usury.

Mr. Morehead moved to postpone the further consideration of the bill, and make it the special order for January 20th, 1875.

The motion did not prevail. Yeas 20, nays 21.

*Affirmative*—Messrs. Anderson, Bell, Boddie, Bryant, French, Jernigan, Kerr, LeGrand, Love, McCauley, Morehead, Paschall, Peebles, Pegram, Shaw, Stickney, Sugg, Tucker, Walker and Waring—20.

*Negative*—Mr. President, Messrs. Albright, Busbee, Cantwell, Clement, Graham, Hargrave, Irwin, Latham, Linney, Marler, McElroy, McMillan, Mills, Selby, Sneed, Stanford, Taylor, Waddell, Worthy and Young—21.

The bill was read the second time.

Mr. Mills moved to reconsider the vote by which the Senate refused to postpone.

Mr. Busbee moved to lay that motion on the table.

The yeas and nays were ordered, and the motion to table did not prevail, yeas 17, nays 25.

*Affirmative*—Mr. President, Messrs. Albright, Bryant, Busbee, Cantwell, Clement, Hargrave, Latham, Linney, Love, Marler, McElroy, McMillan, Paschall, Tucker, Waddell and Worthy—17.

*Negative*—Messrs. Anderson, Bell, Boddie, French, Graham, Irwin, Jenkins, Jernigan, Kerr, LeGrand, McCauley, Mills, Morehead, Peebles, Pegram, Selby, Shaw, Sneed Stanford, Stickney, Sugg, Taylor, Walker, Waring and Young—25.

The question then recurring upon the motion to reconsider, made by Mr. Mills, the yeas and nays were ordered, and the motion prevailed. Yeas 21, nays 19.

*Affirmative*—Messrs. Anderson, Bell, Boddie, French, Graham, Irwin, Jenkins, Jernigan Kerr, LeGrand, Love, McCauley, Mills, Morehead, Peebles, Pegram, Shaw, Stanford, Stickney, Sugg and Waring—21.

*Negative*—Mr. President, Messrs. Albright, Bryant, Busbee, Cantwell, Clement, Hargrave, Latham, Linney, Marler, McElroy, McMillan, Paschall, Selby, Sneed, Taylor, Waddell, Worthy and Young—19.

The question then recurring upon Mr. Morehead's motion to postpone and make the special order for January 20th, 1875, the motion prevailed.

Bills were acted upon, under a suspension of the rules, as follows:

S. B. No. 313: A bill to be entitled an act to create another township in Burke county. The bill was read and passed the second time. The bill was read the third time.

Mr. Albright moved to refer to the Judiciary Committee.

Mr. Mills moved to lay that motion on the table.

The motion prevailed, and the question recurring on the passage of the bill, the bill passed the third time. Yeas 25, nays 14.

*Affirmative*—Messrs. Anderson, Busbee, Cantwell, Clement, C. M. Cooke, French, Graham, Hargrave, Irwin, Jenkins, Jernigan, LeGrand, Love, Marler, McElroy, McMillan, Mills, Peebles, Pegram, Stanford, Sugg, Waddell, Walker, Worthy and Young—25.

*Negative*—Messrs. Albright, Bell, Boddie, Bryant, Kerr, Latham, Linney, Mabson, Paschall, Shaw, Sneed, Stickney, Taylor and Tucker—14.

A message was received from the House of Representatives informing the Senate that the House had adopted the report of the Joint Committee on Immigration, and asking the Senate to concur in the proposition to print the number of copies recommended by the committee.

The proposition to print was concurred in.

The following named bills, amendments and resolutions, re-

ported as correctly engrossed by the Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence:

S. B. No. 159: A bill to be entitled an act to extend the time of payment on certain entries of vacant lands.

Senate amendments to H. B. No. 18, S. B. No. 68: A bill to be entitled an act to incorporate the Diamond Cotton Chopper and Cultivator Company.

S. B. No. 76: A bill to be entitled an act to incorporate the Raleigh Savings Bank and Trust Company.

S. R. No. 242: Resolution for the relief of the Insane Asylum.

The following bills and resolutions, reported as correctly enrolled by the Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

An act to amend chapter 19, of the laws of 1873–'74, entitled "an act to restore the records in Watauga county.

An act to amend section 6, of chapter 91, of Battle's Revisal.

An act to amend chapter 246, of the laws of 1870–'71.

Resolution of instruction to our Senators and Representatives in Congress concerning Freedman's Saving and Trust Company.

An act to amend section 84, chapter 32, of Battle's Revisal, concerning retailing spirituous liquors.

On motion, the Senate adjourned until 11 A. M. to-morrow.

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## TWENTY-SEVENTH DAY.

SENATE CHAMBER, December 17th, 1874.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Rich.

The Journal of yesterday was read.

Leave of absence was granted Mr. Mabson from Saturday until the 21st inst.

Mr. Peebles presented a petition from the members and friends of Elam Baptist Church, which was referred to the Committee on Propositions and Grievances.

Mr. Cantwell presented a memorial from the publishers of American Centennial. Referred to the Committee on Centennial.

Mr. Peebles presented a petition from certain citizens of Northampton county for a prohibatory law. Referred to the Committee on Propositions and Grievances.

Leave of absence was granted Mr. Clement from Saturday next until the 21st inst.

Reports from Standing Committees were submitted as follows:

From Committee on Finance:

By Mr. Stanford, S. B. No. 158: A bill to be entitled an act for the benefit of disabled North Carolina soldiers, with a recommendation that it do pass.

From Committee on Propositions and Grievances:

By Mr. Latham, H. B. No. 226, S. B. No. 321: A bill to be entitled an act to repeal chapter 166, laws of 1871–'72, with a recommendation that it do pass.

S. B. No. 314: A bill to be entitled an act to repeal an act incorporating the Beneficial Association, with a recommendation that it do pass.

From Committee on Public Buildings and Grounds:

By Mr. McCauley, S. B. No. 95: A bill to be entitled an act to extend the time for removing improvements off of State lots in the city of Raleigh, N. C., with a recommendation that it do pass, with the accompanying amendments.

The following named bills and resolutions were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows:

By Mr. Busbee: A bill to be entitled an act to amend chapter 76, Battle's Revisal. To the Committee on Judiciary.

By Mr. C. M. Cooke: Resolution in regard to the public debt.

By Mr. Anderson: Resolution in favor of the Deaf, Dumb and Blind Asylum.

Bills and resolutions were acted on, under a suspension of the rules, as follows:

S. R. No. 246: Resolution of instruction to the Governor concerning Lee Dunlap, an escaped prisoner. The resolution was read the second time.

Mr. Peebles moved to amend by striking out $500 and inserting $300. The amendment prevailed, and the resolution as amended, passed the second time.

The resolution was read and passed the third time, yeas 34, nays 10.

*Affirmative*—Mr. President, Messrs. Albright, Anderson, Bell, Boddie, Bryant, Busbee, Cantwell, Clement, Graham, Hargrave, Irwin, Jenkins, Jernigan, Kerr, Linney, Love, Mabson, Marler, McCauley, McElroy, McMillan, Mills, Morehead, Paschall, Peebles, Pegram, Stanford, Taylor, Tucker, Waddell, Waring, Worthy and Young—34.

*Negative*—Messrs. C. M. Cooke, French, Holton, Latham, LeGrand, Parish, Selby, Shaw, Sneed and Walker—10.

S. R. No. 323: Resolution in regard to the public debt. The resolution was read.

Mr. Love moved to amend by striking out all between the words "that" and "confer," and insert the words "The Joint Committee on the Public Debt shall." The amendment prevailed.

Pending the consideration of the resolution, Mr. Marler moved the previous question, and the main question was ordered to be put.

The yeas and nays being ordered, on demand, the resolution, as amended, was adopted. Yeas 30, nays 15.

*Affirmative*—Messrs. Boddie, Bryant, Busbee, Cantwell, C. M. Cooke, French, Graham, Hargrave, Irwin, Jenkins, Jernigan, Kerr, Latham, LeGrand, Love, Mabson, McCauley, Mc-

Millan, Mills, Morehead, Paschall, Pegram, Selby, Shaw, Sneed, Stickney, Taylor, Tucker, Waring and Young—30.

*Negative*—Messrs. Albright, Anderson, Bell, Clement, N. S. Cook, Holton, Linney, Marler, McElroy, Parish, Peebles, Stanford, Waddell, Walker and Worthy—15.

S. R. 324: Resolution in favor of the Deaf, Dumb and Blind Asylum. The resolution was read and passed the second and third times, the yeas and nays being dispensed with by consent.

S. B. No. 95: A bill to be entitled an act to extend the time for removing improvements off of State lots in the city of Raleigh. The bill was read the second time.

The amendments proposed by the Committee on Public Buildings and Grounds was adopted, and the bill, as amended, passed second and third times, the yeas and nays being dispensed with by consent.

H. B. No. 226, S. B. No. 321: A bill to be entitled an act to repeal chapter 166, laws 1871–'72. The bill was read and passed second and third times, the yeas and nays being dispensed with by consent.

The following named bills, amendments and resolutions, reported as correctly engrossed by the Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence:

S. B. No. 313: A bill to be entitled an act to create another township in Burke county.

S. B. No. 95: A bill to be entitled an act to extend the time for removing improvements off of State lots in Raleigh.

S. R. 323: Resolution in regard to the public debt.

S. R. No. 246: Resolution of instruction to the Governor concerning Lee Dunlap, an escaped prisoner.

Senate amendments to H. B. No. 81: S. B. No. 152: A bill to be entitled an act to repeal section 3, chapter 176, of the public laws of 1873–'74.

The following bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

An act to amend section 15, chapter 104, Battle's Revisal, entitled "Roads, Ferries," &c.

An act to amend section 1, chapter 32, of public laws of 1872–'73.

An act to amend an act entitled an act to incorporate the Diamond Cotton Chopper and Cultivator Company, ratified January 17th, 1874.

Resolution concerning the memorial of the Chamber of Commerce of the city of Wilmington.

Resolution in favor of F. J. Satchwell, sheriff of Beaufort county.

At 12 M. the Senate proceeded to consider S. B. No. 97: A bill to be entitled an act to amend sections 13 and 15, chapter 64, of Battle's Revisal, on its second reading, it being the special order for that hour.

On motion, the further consideration of this bill was postponed, and made the special order for 12:40 P. M.

S. B. No. 110: A bill to be entitled an act to give landlords or their agents, without written agreement, a lien for provisions or stores furnished tenants or lessees, upon the crops of such tenants or lessees, was taken up, it being also the special order for 12 M.

Mr. Tucker moved to indefinitely postpone the bill. The motion did not prevail.

On motion, the further consideration of the bill was then postponed, and made the special order for 1 o'clock.

S. B. No. 300: A bill to be entitled an act to incorporate the Albemarle and Roanoke Railroad Company, was taken up, it also being the special order for 12 M.

Mr. Peebles moved to postpone the special order until to-morrow at 12 M.

Mr. Busbee moved to postpone the further consideration of the bill until January 22d, 1875. The motion did not prevail.

The question recurring upon the motion to postpone the special order until to-morrow, 12 M., the motion prevailed.

At 12:40 P. M. the Chair announced that the hour for the special order, S. B. No. 97, had arrived.

Mr. Waring moved to postpone the special order until 1:30 P. M. The motion prevailed.

At 1 P. M. the Chair announced that the hour had arrived for the special order, S. B. No. 110: A bill to be entitled an act to give landlords or their agents, without written agreement, a lien for provisions or stores furnished tenants or lessees upon the crops of such tenants or lessees. The bill was read the second time.

Mr. Parish offered an amendment, in the nature of a substitute, for the original bill.

Pending the consideration of this bill, the Senate adjourned until 10 A. M. to-morrow.

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## TWENTY-EIGHTH DAY.

SENATE CHAMBER, December 18th, 1874.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

Leave of absence was granted Mr. Holton from the 19th until the 21st instant.

Leave of absence was granted Mr. Bell from the 19th instant until the 21st instant.

A message was received from the House of Representatives transmitting a communication from John Reilly, State Auditor, together with a statement from the same, with a proposition to print. The proposition to print was concurred in.

A message was sent to the House of Representatives transmitting, without engrossment, S. R. No. 234: Resolution in favor of the Deaf, Dumb and Blind Asylum.

A message was received from the House of Representatives informing the Senate that the House had receded from its amendments to S. B. No. 34: A bill to be entitled an act for the general relief of sheriffs and tax collectors.

Beports from Standing Committees were submitted, as follows:

From Committee on Mileage and *Per Diem:*

By Mr. Stanford, S. B. No. 21: A bill to be entitled an act to fix the *per diem* and mileage of members and officers of the General Assembly of 1874–'75, with a recommendation that it do *not* pass.

The following named bills and resolutions were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows:

By message from the House of Representatives, H. B. No. 242: A bill to be entitled an act to amend chapter 137, section 1, laws of 1873–'74. To the Committee on Propositions and Grievances.

H. B. No. 280: A bill to be entitled an act to amend chapter 98, public laws of 1873–'74. To the Committee on Judiciary.

H. R. No. 93: Resolution in favor of N. M. Wilson, sheriff of Yancey county.

H. B. No. 147: A bill to be entitled an act to amend chapter 137, acts of the General Assembly of North Carolina of 1873–'74. To the Committee on Judiciary.

H. B. No. 274: A bill to be entitled an act to repeal section 17, chapter 112, of Battle's Revisal.

H. R. No. 96: Resolution to pay George D. Miller, clerk. Concurred in.

H. B. No. 272: A bill to be entitled an act supplemental to an act to amend an act entitled "an act to renew the charter of the Richmond Manufacturing Company.

H. R. No. 90: Resolution concerning State railroads.

Mr. Graham moved to amend by inserting after railroad, "all other public works of internal improvements."

The amendment prevailed, and the resolution, as amended, was concurred in.

H. R. No. 91: Resolution in relation to the Western North Carolina Railroad.

Mr. Busbee moved to refer to the Joint Committee on Internal Improvements.

On motion of Mr. Love, the yeas and nays were ordered, and the motion to refer prevailed. Yeas 28, nays 11.

*Affirmative*—Messrs. Albright, Anderson, Bell, Boddie, Bryant, Busbee, Cantwell, Clement, C. M. Cooke, French, Hargrave, Holton, Irwin, Jenkins, Jernigan, Kerr, Latham, LeGrand, Mabson, Marler, McMillan, Morehead, Paschall, Peebles, Tucker, Waddell and Walker—28.

*Negative*—Messrs. Graham, Linney, Love, McCauley, McElroy, Mills, Pegram, Stanford, Taylor, Waring and Young—11.

By Mr. Bell: A bill to be entitled an act to amend the charter of the city of Newbern. To the Committee on Corporations.

By Mr. C. M. Cooke: A bill to be entitled an act to amend an act entitled "an act to incorporate the town of Rocky Mount, in the county of Edgecombe. To the Committee on Corporations.

A bill to be entitled an act to amend an act ratified the 28th of December 1838, entitled an act to amend an act entitled an act to establish a Literary and Manual Labor Institute in the county of Wake, passed in 1833. To the Committee on Corporations.

By Mr. Mills: A bill to be entitled an act for the protection of county commissioners. To the Committee on Judiciary.

By Mr. Peebles: A bill to be entitled an act to prohibit the sale of intoxicating liquors within two miles of Sharon and Galatia Churches, in Northampton county. To the Committee on Propositions and Grievances.

A bill to be entitled an act to amend chapter 137, of laws of 1773–'74. To the Committee on Propositions and Grievances.

By Mr. Waring: A bill to be entitled an act for the protection of sheep. To the Committee on Finance.

By Mr. Kerr: Resolution concerning Deaf and Dumb and Blind Asylum. Adopted.

The Senate then proceeded to the consideration of the unfinished business of the preceding day, to-wit: S. B. No. 110: A bill to be entitled an act to give landlords or their agents without written agreement a lien for provisions or stores furnished to tenants or lessees upon the crops of such tenants or lessees.

The question recurring upon the amendment offered by Mr. Parish, the Chair decided the amendment to be out of order.

Mr. Hargrave then offered an amendment, in the nature of a substitute.

S. B. No. 97: A bill to be entitled an act to amend section 13 and 15, chapter 64, Battle's Revisal.

Mr. Bell offered to amend the original bill by inserting after the words "stores" in section 1st, the words "upon oral agreement."

Pending the consideration of the amendment, Mr. Jenkins called the previous question.

The main question was ordered to be put, and the yeas and nays having been ordered, the amendment prevailed. Yeas 22, nays 19.

*Affirmative*—Messrs. Albright, Anderson, Bell, Clement, Graham, Irwin, Jenkins, Kerr, Latham, Linney, Love, Marler, McCauley, McElroy, McMillan, Mills, Pegram, Taylor, Waddell, Waring, Worthy and Young—22.

*Negative*—Messrs. Boddie, Bryant, Busbee, Cantwell, C. M. Cooke, N. S. Cook, French, Hargrave, Holton, Jernigan, LeGrand, Mabson, Morehead, Paschall, Peebles, Sneed, Stanford, Tucker and Walker—19.

The question then recurring upon the adoption of the substitute, as amended by the Committee on Judiciary, the yeas and nays were ordered, and the substitute was not adopted. Yeas 18, nays 23.

*Affirmative.*—Messrs. Boddie, Bryant, Busbee, Cantwell, C. M. Cooke, N. S. Cook, French, Graham, Hargrave, Holton,

Jernigan, LeGrand, Morehead, Paschall, Peebles, Sneed, Tucker and Walker—18.

*Negative.*—Messrs. Albright, Anderson, Bell, Clement, Irwin, Jenkins, Kerr, Latham, Linney, Love, Mabson, Marler, McCauley, McElroy, McMillan, Mills, Pegram, Stanford, Taylor, Waddell, Waring, Worthy and Young—23.

The question then recurring upon the passage of the bill on its second reading, the yeas and nays were ordered, and the bill, as amended, passed the second time. Yeas 21, nays 20.

*Affirmative.*—Mr. President, Messrs. Albright, Bell, Clement, Irwin, Jenkins, Kerr, Latham, Linney, Love, Marler, McCauley, McElroy, McMillan, Mills, Pegram, Stanford, Waddell, Waring, Worthy and Young—21.

*Negative*—Messrs. Anderson, Boddie, Bryant, Busbee, Cantwell, C. M. Cooke, N. S. Cook, French, Hargrave, Holton, Jernigan, LeGrand, Mabson, Morehead, Paschall, Peebles, Sneed, Taylor, Tucker and Walker—20.

The President voetd in the affirmative, it devolving upon him to give the casting vote, there being a tie.

The Senate then proceeded to the consideration of the special orders for the day, as follows:

At 11:30 A. M., the Chair announced that the hour had arrived for the special order, to-wit: S. B. No. 119, H. B. No. 64: A bill to be entitled on act for the relief of John Horton, former sheriff of Watanga county. The bill was read and passed the second and third times, the yeas and nays being dispensed with by consent.

At 12 M. the Chair announced that the hour had arrived for the consideration of the special order, to-wit: S. B. No. 300: A bill to be entitled an act to incorporate the Albemarle and Roanoke Railroad Company.

The Chair held that this was a private law, requiring legal notice.

On motion of Mr. Peebles, the further considertion of the bill was postponed, and made the special order for January 20th, 1875, at 11 A. M.

The Senate then proceeded to consider the next special order for that hour, to-wit: S. B. No. 160: A bill to be entitled an act to amend chapter 65, section 9, of Battle's Revisal, entitled Leins of Mechanics, and others.

On motion of Mr. Jernigan, the bill was indefinitely postponed.

Bills and resolutions were acted on, under a suspension of the rules, as follows:

H. R. No. 93: Resolution in favor of N. M. Wilson, sheriff of Yancey county. The resolution was read and passed the second and third times, the yeas and nays being dispensed with by consent.

S. B. No. 97: A bill to be entitled an act to amend sections 13 and 15, chapter 64, of Battle's Revisal. The bill was read the second time. The amendment proposed by the Committee on Judiciary prevailed.

The question then recurring on the passage of the bill, the yeas and nays were, on motion of Mr. Cantwell, ordered, and the bill, as amended, passed the second time. Yeas 32, nays 8.

*Affirmative*—Messrs. Albright, Anderson, Bell, Boddie, Busbee, Clement, C. M. Cooke, French, Graham, Hargrave, Irwin, Jenkins, Jernigan, Kerr, Latham, LeGrand, Linney, Love, Marler, McCauley, McElroy, McMillan, Mills, Morehead, Pegram, Stanford, Taylor, Waddell, Walker, Waring, Worthy, and Young—32.

*Negative*—Messrs. Bryant, Cantwell, N. S. Cook, Holton, Mabson, Paschall, Peebles and Tucker—8.

The bill was read and passed third time. Yeas 28, nays 12.

*Affirmative.*—Messrs. Albright, Anderson, Bell, Boddie, Busbee, Clement, C. M. Cooke, French, Graham, Hargrave, Irwin, Jenkins, Jernigan, Kerr, Latham, LeGrand, Love, McElroy, McMillan, Mills, Morehead, Pegram, Stanford, Taylor, Walker, Waring, Worthy and Young—28.

*Negative.*—Messrs. Bryant, Cantwell, N. S. Cook, Holton, Linney, Mabson, Marler, McCauley, Paschall, Peebles, Tucker and Waddell—12.

S. B. No. 314: A bill to be entitled an act to repeal an act incorporating the Beneficial Association.

Mr. Kerr moved to re-commit to the Committee on Judiciary.

Mr. Cantwell moved to lay that motion on the table. The motion did not prevail.

The question recurring upon the motion to re-commit, the motion prevailed.

H. B. No. 272: A bill to be entitled an act supplemental to an act to amend an act entitled "an act to renew the charter of the Richmond Manufacturing Company."

The bill was read and passed the second and third times, the yeas and nays being dispensed with by consent.

H. B. No. 274: A bill to be entitled an act to repeal section 17, chapter 112, of Battle's Revisal.

The bill was read and passed second and third times, the yeas and nays being dispensed with by consent.

S. B. No. 235: A bill to be entitled an act to amend chapter 171, laws of 1872–'73.

The bill was read and passed second and third times, the yeas and nays being dispensed with by consent.

S. B. No. 92: A bill to be entitled an act for the improvement and reclamation of certain swamp lands in New Hanover and other counties. The bill was read the second time.

Pending the consideration of the bill, Mr. Bell moved to postpone its further consideration, and make it the special order for January 23d, 1875. The motion prevailed.

H. B. No. 136, S. B. No. 226: A bill to be entitled an act to amend an act entitled an act to establish a Bureau of Immigration, Statistics and Agriculture.

The bill was read and passed second and third times, the yeas and nays being dispensed with by consent.

S. B. No. 308: A bill to be entitled an act to amend chapter 182, section 10, private laws of 1872–'73, entitled an act to incorporate the Central Fire Insurance Company, of North Carolina.

The bill was read and passed second and third times, the yeas and nays being dispensed with by consent.

The following named bills, amendments and resolutions, reported as correctly engrossed by the Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence:

S. R. No. 324: Resolution in favor of the Deaf and Dumb and Blind Institute.

Senate amendments to H. R. No. 90, S. R. No. 32: Resolution concerning State railroads.

The following bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

An act to repeal section 3, and to amend section 13, chapter 176, of the public laws of 1873–'74.

An act in relation to "North Carolina Manual."

Resolution reducing the price of Battle's Revisal.

Resolution in regard to flag-staff on the top of the Capitol.

The Chair announced Messrs. LeGrand and C. M. Cooke as additional members of the Senate Branch of the Committee on Enrolled Bills.

The Senate then adjourned until 10 A. M. the next day.

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## TWENTY-NINTH DAY.

SENATE CHAMBER, December 19th, 1874.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

Mr. Love moved to reconsider the vote by which the Senate passed the third time H. B. No. 274, S. B. No. 331: A bill to be entitled an act to repeal section 17, chapter 112, Battle's Revisal. The motion prevailed.

Mr. Love then moved to postpone the further consideration of the bill, and make it the special order for January 25th, 1875. The motion prevailed.

The Senate then proceeded to consider S. B. No. 110: A bill to be entitled an act to give landlords or their agents without written agreements, a lien for provisions or stores furnished to tenants or lessees, upon the crops of such tenants or lessees. The bill was read the third time.

Mr. Kerr moved to postpone its further consideration, and make it the special order for January 25th, 1875. The motion prevailed.

With leave, Mr. McCauley, from the Committee on Public Buildings and Grounds, made a report concerning the dome of the Capitol, and recommending that the needed repairs be made, at an expense not exceeding $1,200. The report was adopted.

Mr. McCauley then offered a resolution, under a suspension of the rules, concerning repairs to the dome of the Capitol.

The resolution was read and passed the second and third times. Yeas 29, nays 3.

*Affirmative.*—Messrs. Albright, Anderson, Boddie, Bryant, Busbee, Clement, C. M. Cooke, N. S. Cook, French, Graham, Hargrave, Irwin, Jenkins, Jernigan, Kerr, Love, Mabson, McCauley, McMillan, Morehead, Parish, Paschall, Pegram, Taylor, Waddell, Walker, Waring, Williamson and Worthy—29.

*Negative.*—Messrs. LeGrand, Marler and Sneed—3.

The following named bills and resolutions were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows:

By message from the House of Representatives, H. B. No. 301: A bill to be entitled an act to amend chapter 155, public laws of 1873–'74. To the Committee on Judiciary.

H. R. No. 82: Resolution concerning the centennial anniversary of Mecklenburg Declaration of Independence on the 20th of May, 1875. The resolution was read.

Mr. LeGrand moved to indefinitely postpone the resolution, and upon that motion ordered the yeas and nays.

The yeas and nays being ordered, the motion did not prevail. Yeas 6, nays 26.

*Affirmative*—Messrs. Bryant, LeGrand, Mabson, Marler, Paschall and Sneed—6.

*Negative*—Messrs. Albright, Anderson, Boddie, Busbee, Clement, C. M. Cooke, N. S. Cook, French, Graham, Hargrave, Irwin, Jenkins, Jernigan, Kerr, Love, McCauley, McMillan, Morehead, Parish, Pegram, Taylor, Waddell, Walker, Waring, Williamson and Worthy—26.

Mr. Waring moved to refer the resolution to the Centennial Committee. The motion prevailed.

H. B. No. 282: A bill to be entitled an act to fix the compensation of Superior Court Judges holding special and extra terms. To the Committee on Judiciary.

By Mr. Cooke, of Franklin: A bill to be entitled an act concerning corporations. To the Committee on Judiciary.

A bill to be entitled an act concerning waste. To the Committee on Judiciary.

A bill to be entitled an act to unite legal estates with uses. To the Committee on Judiciary.

A bill to be entitled an act to cure defects in certain judicial proceedings arising from mistake of jurisdiction and other causes. To the Committee on Judiciary.

By Mr. Jernigan: A bill to be entitled an act to incorporate the Albemarle Lodge No. 74, Independent Order of Odd Fellows. To the Committee on Corporations.

By Mr. Worthy: A bill to be entitled an act to amend chapter 104, section 15, Battle's Revisal. To the Committee on Judiciary.

By message from the House of Representatives, H. R. No. 77: Resolution concerning educational interest of Cherokee. To the Committee on Education.

Mr. Kerr offered a resolution in regard to printing the bill

introduced by the Committee on Public Debt. The resolution was read and adopted.

Mr. Love offered a resolution concerning the appropriation of the *per diem* of the members of the General Assembly for Sunday the 20th of December, 1874, to the benefit of the Oxford Orphan Asylum. The resolution was read.

Mr. Love moved to suspend the rules and put the resolution on its passage, and called for the yeas and nays upon that motion.

The motion did not prevail. Yeas 15, nays 13.

*Affirmative*—Messrs. C. M. Cooke, French, Graham, Hargrave, Jernigan, LeGrand, Love, Marler, McCauley, McMillan, Morehead, Parish, Peebles, Pegram and Williamson—15.

*Negative.*—Messrs. Albright, Anderson, Boddie, Clement, N. S. Cook, Irwin, Jenkins, Kerr, Paschall, Sneed, Taylor, Waddell and Worthy—13.

Bills and resolutions, on second reading, were acted on as follows:

S. B. No. 52: A bill to be entitled an act concerning land sold for taxes. The bill was read the second time.

Mr. Jernigan moved to indefinitely postpone. The motion prevailed.

H. B. No. 13, S. B. No. 112: A bill to be entitled an act to amend sections 264, 265, 270 and 273, of the Code of Civil Procedure. The bill was read the second time.

The substitute proposed by the committee was adopted, and the bill passed second time.

S. B. No. 158: A bill to be entitled an act for the benefit of disabled North Carolina soldiers. The bill was read.

Mr. Kerr moved to refer to the Judiciary Committee. The motion prevailed.

S. B. No. 164: A bill to be entitled an act to punish a person for obtaining any money, goods, property, or anything of value from any person or corporation by means of a false promise that he will convey to them in payment of the same, certain real or personal property. The bill was read.

Mr. French moved to postpone, and make it the special order for January 26th. The motion prevailed.

H. B. No. 180: A bill to be entitled an act to amend chapter 56, section 4, Battle's Revisal.

The substitute proposed by the Committee on Judiciary was adopted, and the bill passed second time.

S. B. No. 182: A bill to be entitled an act to amend section 8, chapter 27, of Battle's Revisal The bill was read.

The amendment proposed by the committee prevailed, and the bill, as amended, passed the second time.

S. B. No. 192: A bill to be entitled an act to create the county of Lillington. The bill was read, and, on motion, was postponed and made the special order for January 26th, 1875.

S. B. No. 194: A bill to be entitled an act to appoint Public Guardians. The bill was read.

Mr. French moved to postpone, and make the special order for January 26th. The motion prevailed.

S. B. No. 71: A bill to be entitled an act to repeal section 3, chapter 176, laws of 1873–'74. The bill was read the second time.

Mr. Waddell moved to indefinitely postpone. The motion prevailed.

S. B. No. 193: A bill to be entitled an act to repeal sections 13 and 14, chapter 105, of Battle's Revisal. The bill was read the second time.

Mr. Marler moved to indefinitely postpone the bill. The motion prevailed.

H. B. No. 85, S. B. No. 149: A bill to be entitled an act to repeal chapter 54, laws 1871–'72. The bill was read the second time.

Mr. Jenkins moved to indefinitely postpone the bill. The motion prevailed.

H. B. No. 43, S. B. No. 166: A bill to be entitled an act to repeal an act passed at the session of 1873–'74. The bill was read and passed the second time.

S. B. No. 173: A bill to be entitled an act to amend chap-

ter 17, section 31, clause 2, Battle's Revisal. The bill was read and passed the second time.

S. B. No. 181: A bill to be entitled an act to amend an act entitled "an act to consolidate an act incorporating the town of Lenoir, Caldwell county," and the acts amendatory thereof. The bill was read and passed the second time.

Bills and resolutions were acted upon, under a suspension of the rules, as follows:

S. B. No. 25: A bill to be entitled an act to incoporate the Gaston Mining Company. The bill was read the second time.

The amendment proposed by the Committee on Corporations prevailed, and the bill, as amended, passed the second and third times, the yeas and nays being dispensed with by consent.

H. B. No. 42, S. B. No. 197: A bill to be entitled an act concerning lost or destroyed records. The bill was read and passed the second and third times, the yeas and nays being dispensed with by consent.

H. B. No. 200, S. B. No. 287: A bill to be entitled an act to repeal chapter 41, laws of 1873–'74, in regard to inspector of wood and coal for the city of Raleigh. The bill was read and passed the second and third times, the yeas and nays being dispensed with by consent.

H. B. No. 61, S. B. No. 195: A bill to be entitled an act to amend chapter 171, laws of 1873–'74. The bill was read.

Pending its consideration, Mr. French moved to postpone and make it the special order for January 20th, 1875. The motion prevailed.

A message was received from the House of Representatives informing the Senate that the House had refused to recede from its amendment to S. B. No. 134, and asking a committee of conference to consider the causes of disagreement.

The Chair appointed Messrs. Busbee, Albright and Parish as the Senate branch of that committee.

The committee reported that the Committee of Conference had agreed to amend by striking out $500 and inserting $250.

The report was adopted, and a message sent to inform the House of Representatives of that fact.

The following resolutions were ordered to be sent to the House of Representatives for concurrence without engrossment:

S. R. No. 333: Resolution concerning adjournment.

S. R. No. 332: Resolution in relation to repairs on the Capitol.

The following named bill, reported as correctly engrossed by the Committee on Engrossed Bills, was transmitted to the House of Representatives for concurrence:

S. B. No. 308: A bill to be entitled an act to amend chapter 182, section 10, private laws 1872-'73, entitled an act to incorporate the Central Fire Insurance Company of North Carolina.

The following bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

An act to repeal chapter 166, laws of 1871–'72.

An act for making valid certain irregular entries of lands.

An act for the general relief of sheriffs and tax collectors.

Resolution in regard to the public debt.

Joint resolution for the relief of Insane Asylum.

Resolution to print titles of all laws of this session and all bills undisposed of.

Joint resolution regarding the furnishing of the libraries of the General Assembly with Battle's Revisal.

Resolution of instruction to the Governor concerning Lee Dunlap, an escaped prisoner.

Resolution to pay Geo. D. Miller.

An act for the relief of John Horton, former sheriff of Watauga county.

An act to amend an act entitled an act to establish a Bureau of Immigration and Agriculture.

Resolution in favor of N. M. Wilson, sheriff of Yancey county.

An act supplemental to an act to amend an act entitled an act to renew the charter of the Richmond Manufacturing Com-

pany, passed at session of 1868–'69, and ratified the 10th day of April, 1869.

Resolution in favor of the Insane Asylum.

Leaves of absence were granted as follows:

To Mr. Waring, leave for Monday, the 21st instant.

To Mr. Jenkins, leave for Monday, the 21st instant.

To Mr. Latham, leave from Friday until Monday, the 21st instant, inclusive.

To Mr. Worthy, leave for Monday, the 21st instant.

Mr. Cooke, of Franklin, offered the following resolution:

"*Resolved, the House of Representatives concurring*, That joint resolution on adjournment be amended by striking out "1½ P. M." and inserting "8 A. M."

The resolution was adopted, the rules, being on motion, suspended.

Mr. Morehead moved that the Senate do now adjourn until 7½ o'clock, A. M., Monday, the 21st instant. The motion prevailed.

The Senate thereupon stood adjourned until 7½ A. M., Monday, the 21st prox.

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## THIRTIETH DAY.

SENATE CHAMBER, December 21st, 1874.

The Senate met pursuant to adjournment, at 7:30 A. M.

On motion, the reading of the Journal of Saturday was dispensed with.

A message was received from the House of Representatives, transmitting H. R. No. 99: Resolution in favor of Henry M. Miller. The resolution was concurred in.

The following bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

An act to amend chapter 182, section 10, private laws of 1872-'73, entitled an act to incorporate the Central Fire Insurance Company of North Carolina.

An act to amend chapter 30, section 6, acts of 1868-'69, and chapter 105, section 16, acts of 1870-'71, of Battle's Revisal.

An act to extend the time for removing improvements off the State lots in the city of Raleigh, N. C.

An act to amend chapter 41, laws of 1873-'74, in regard to inspector of wood and coal in the city of Raleigh, N. C.

Resolution for the relief of the North Carolina Institution for the Deaf and Dumb and the Blind.

Resolution in relation to repairs on the Capitol.

A message was received from the House of Representatives informing the Senate that the House had concurred in S. R. No. 333: Resolution on adjournment.

Thereupon the Senate stood adjourned until 11 A. M., January 18th, 1875.

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## THIRTY-FIRST DAY.

SENATE CHAMBER, January 18th, 1875.

The Senate met pursuant to adjournment at 11 A. M.

Prayer by Rev. Mr. Atkinson.

Hon. R. F. Armfield, President, having taken the chair, proceeded to address the Senate as follows:

SENATORS: I congratulate you on your safe return, in good health, to the capital. Reassured of confidence and re-instructed in your duties by fresh contact with your constituents it will now, I doubt not, be the pleasure of each one of you to

apply himself, with renewed zeal, to the conscientious discharge of the important duties of legislation that lie before us; and I assure you it shall be my constant task, as heretofore, to facilitate and promote your labors, tending, as I am satisfied they will, to the honor of the State and the good of all her people.

Mr. Albright moved that the roll be called.

The motion prevailed, and the following Senators responded:

Mr. President, Messrs. Albright, Anderson, Busbee, Cantwell, Clement, French, Graham, Hargrave, Holton, Irwin, Jenkins, Jernigan, Latham, LeGrand, Love, Marler, McCanley, McElroy, McMillan, Morehead, Parish, Pegram, Taylor, Tucker, Waddell, Walker, Waring, Williamson, Worthy and Young.

A quorum of all the Senators elect being present, the Journal of the 21st of December, 1874, was read.

A report was received from John Nichols, Principal of the North Carolina Institution for the Deaf and Dumb and the Blind, and was ordered to be printed.

A reporrt was received from Hon. W. A. Smith, President of the Western North Carolina Railroad, and was ordered to be printed.

Mr. Jernigan offered a resolution concerning Federal interference with the Legislature of Louisiana, and moved to suspend the rules and put the resolution on its passage.

Mr. Cantwell moved an amendment, in the nature of a substitute.

Pending the consideration of the motion to suspend, Mr. Busbee moved that the resolution, together with the substitute, be referred to a joint select committee, and that a message be sent to the House of Representatives proposing to raise a Joint Select Committee of three on the part of the Senate and five on the part of the House, to prepare and report resolutions protesting against the interferance of the National Government in the domestic affairs of Louisiana. The motion to raise a

Joint Select Committee prevailed; and in accordance therewith a message was sent to the House of Representatives.

On motion, S. B. No. 25: A bill to be entitled an act to incorporate the Gaston Mining Company, was ordered to be transmitted to the House of Representatives without engrossment, the bill having passed its several readings prior to the recess.

Mr. Busbee offered the following:

*Resolved*, That the Committee on Internal Improvements be instructed to prepare and report a bill to provide for using the convict labor of the State in the construction of railroads and other works of public improvements, if not in conflict with the Constitution of the State.

The resolution was adopted.

The following named bills and resolutions were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows:

By Mr. Love: A bill to be entitled an act to change the time of holding the Superior Courts in the counties of Clay, Graham, Swain and Macon, in the Twelfth Judicial District. To Committee on Judiciary.

By Mr. Graham: A bill to be entitled an act concerning the weighing of lint cotton. To Committee on Propositions and Grievances.

A bill to be entitled an act to obtain information concerning the State's interest in works of internal improvement. To Committee on Internal Improvements. Ordered to be printed.

By Mr. Marler: A bill to be entitled an act concerning fences in Iredell county. To Committee on Propositions and Grievances.

A bill to be entitled an act to amend section 53, chapter 17, title 4, chapter 4, of Battle's Revisal. To Committee on Judiciary. Ordered to be printed.

A bill to be entitled an act to amend section 13, chapter 27,

of Battle's Revisal. To Committee on Propositions and Grievances.

A bill to be entitled an act to require all municipal corporations to publish, yearly, a statement of their finances. To Committee on Judiciary. Ordered to be printed.

A bill to be entitled an act to incorporate "The Trustees of Statesville Academy." To Committee on Corporations.

By Mr. Tucker: A bill to be entitled an act concerning larceny. To Committee on Judiciary.

By Mr. Cantwell: Resolution in favor of A. D. Young, of Wilmington. Laid over under the rules.

By Mr. Tucker: Resolution concerning a Custom House and other useful improvements in the city of Newbern, N. C. Laid over under the rules.

The Senate then adjourned until 11 A. M. to-morrow.

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## THIRTY-SECOND DAY.

SENATE CHAMBER, January 19th, 1875.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Marshall.

The Journal of yesterday was read.

Mr. McMillan presented a petition from the citizens of Alleghany county. Referred to the Committee on Propositions and Grievances.

Mr. Parrish offered a memorial from the citizens of Cedar Grove township, Orange county. Referred to the Committee on Propositions and Grievances.

Reports from Standing Committees were submitted, as follows:

From Committee on Propositions and Grievances:

By Mr. Latham, S. B. No. 368: A bill to be entitled an act concerning the weighing of lint cotton, with a recommendation that it do pass.

S. B. No. 307: A bill to be entitled an act concerning pilots, with a recommendation that it do pass.

S. B. No. 366: A bill to be entitled an act to amend section 13, chapter 27, Battle's Revisal, with a recommendation that it do not pass.

S. B. No. 367: A bill to be entitled an act concerning fences in Iredell county, with a recommendation that it do pass.

From the Joint Select Committee on Public Debt:

By Mr. Waring: Report of the Joint Select Committee on the Public Debt. Ordered to be transmitted to the House of Representatives with a proposition to print.

The following named bills and resolutions were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows:

By Mr. McElroy: A bill to be entitled an act to amend section 39, chapter 104, of Battle's Revisal. To the Committee on Judiciary.

By Mr. Bell: A bill to be entitled an act to incorporate the "Beaufort and Neuse Canal and Navigation Trust." To the Committee on Internal Improvements.

A bill to be entitled an act to provide for filling vacancies occurring in the boards of county commissioners in this State. To the Committee on Judiciary.

By Mr. Latham: A bill to be entitled an act to incorporate the Widows' and Orphans' Benefit Society, N. C. Conference, M. E. Church, South. To the Committee on Corporations.

By Mr. Marler: A bill to be entitled an act to authorize the hire of convict labor in the State's prison and to regulate the same. To the Committee on Penal Institutions. Ordered to be printed.

By Mr. Kerr: A bill to be entitled an act to allow the Superintendent of Public Instruction one clerk, whose salary

shall not exceed six hundred dollars per annum. To the Committee on Education.

By Mr. Williamson: A bill to be entitled an act to prohibit the sale of spirituous liquors near Pelham church, in Caswell county. To the Committee on Propositions and Grievances.

By Mr. Parish: A bill to be entitled an act to prohibit the sale of intoxicating liquors within two miles of Cedar Grove and Eno churches, in Orange county. To the Committee on Propositions and Grievances.

By Mr. Jenkins: A bill to be entitled an act to incorporate the "Cleaveland Savings Bank." To the Committee on Bonds and Currency.

By Mr. LeGrand: A bill to be entitled an act to provide for furnishing the State Library of the Supreme Court with additional copies of the acts of Assembly and Reports of their decisions. To the Committee on Library.

By Mr. McMillan: A bill to be entitled an act to incorporate Piney Creek Baptist church, in Alleghany county. To the Committee on Propositions and Grievances.

By Mr. Irwin: A bill to be entitled an act to incorporate the Bank of Reidsville. To the Committee on Banks and Currency.

By Mr. Busbee: A bill to be entitled an act to incorporate the "Oak City Building and Loan Association, of Raleigh, N. C." To the Committee on Corporations.

A bill to be entitled an act prescribing the mode by which corporations may convey real estate. To the Committee on Judiciary.

By message from the House of Representatives,

H. B. No. 195: A bill to be entitled an act to repeal sections five, six, and nine of Battle's Revisal. To the Committee on Agriculture, Mechanics and Mining.

Resolutions were acted on as follows:

S. R. No. 288: Resolution in favor of Godfrey Keebler. Read and passed second time.

S. R. No. 335: Resolution concerning appropriation of per diem to Oxford Orphan Asylum. Rejected.

S. R. No. 363: Resolution in favor of A. D. Young, of Wilmington. Referred to the Committee on Claims.

S. R. No. 362: Resolution concerning a custom house and other useful improvements in the city of Newbern, N. C. Referred to Committee on Propositions and Grievances.

Bills on third reading were acted on as follow:

H. B. No. 13, S. B. No. 112: A bill to be entitled an act to amend sections 264, 265, 270 and 273, of the Code of Civil Procedure. The bill was read and passed third time, the yeas and nays being dispensed with by consent.

S. B. No. 182: A bill to be entitled an act to amend section 8, chapter 27, Battle's Revisal. The bill was read and passed third time, the yeas and nays being dispensed with by concent.

Bills on second reading were acted upon as follows:

S. B. No. 21: A bill to be entitled an act to fix the *per diem* and mileage of members and officers of the General Assembly of 1874–'75. The bill was read the second time, and, on motion of Mr. Standford, laid on the table.

H. B. No. 60, S. B. No. 176: A bill to be entitled an act to extend the time oftaking out grants from the State. The bill was read and passed the second time.

H. B. No. 74, S. B. No. 200: A bill to be entitled an act to amend section 13, chap. 121, of Battle's Revisal, relating to distribution of Battle's Revisal. Rejected.

H. B. No. 92, S. B. No. 202: A bill to be entitled an act to require personal representatives to give bond pending *caveats* of wills, and for other purposes.

On motion of Mr. Linney, the bill was indefinitely postponed.

S. B. No. 208: A bill to be entitled an act to amend section 4, chapter 40, of Battle's Revisal. Read and passed second time.

H. B. No. 133, S. B. No. 211: A bill to be entitled an act to authorize the Government of the United States to purchase

and hold lands in North Carolina for the purpose of a national cemetery. Read and passed second time.

H. B. No. 144, S. B. No. 212: A bill to be entitled an act declaring the shares of stock in corportions to be personal estate.

On motion by Mr. Marler, the bill was indefinitely postponed.

Bills were acted on, under the suspension of the rules, as follows:

S. B. No. 368: A bill to be entitled an act concerning the weighing of lint cotton. The bill was read the second time.

Mr. Graham moved to strike out in section 2, all after the word "weighed"; and in section 3, all after the word "offence," The motion to strike out prevailed.

The further consideration of the bill was postponed, and made the special order for Thursday, the 22nd inst., at 12.30 P.M. The bill was ordered to be printed.

S. B. No. 135, Substitute: A bill to be entitled an act to compromise, commute and settle the State Debt.

Mr. Waring moved to re-commit the bill to the Joint Select Committee on Public Debt. The motion prevailed.

A message was received from the House of Representatives informing the Senate that the House had concurred in the proposition of the Senate to raise a Joint Committee to prepare and report resolutions protesting against the interference of the National Government in the domestic affairs of Louisiana, and had appointed Messrs. Pinnix, McRae, Mebane, Trivett and Mendenhall, as the House Branch of the Committee. The Chair then announced Messrs. Busbee, Jernigan and Cantwell, as the Senate Branch of the said Committee.

A message was received from the House of Representatives transmitting a report from the State Geologist, in response to a resolution of the General Assembly. The report was referred to the Committee on Agriculture, Mechanics and Mining.

Mr. Morehead moved that the Senate do now adjourn.

Mr. Albright called for the yeas and nays.

The call was sustained, and the Senate refused to adjourn. Yeas 18, nays 22.

*Affirmative*—Messrs. Bell, Boddie, Busbee, Cantwell, Irwin, Kerr, Mabson, Marler, McCauley, Morehead, Paschall, Smith, Standford, Sugg, Tucker, Waddell, Waring and Worthy—18.

*Negative*—Messrs. Albright, Anderson, Clement, N. S. Cook, French, Graham, Hargrave, Jenkins, Jernigan, Latham, LeGrand, Linney, Love, McElroy, McMillan, Parish, Pegram, Selby, Taylor, Walker, Williamson and Young—22.

Mr. Albright offered the following:

"*Resolved*, That this Senate hold regular night sessions on Monday, Wednesday and Friday nights.

"*Resolved further*, That this resolution take effect on Monday night the 25th inst. at 7½ o'clock."

Pending the consideration of this resolution, Mr. Waring moved that the Senate do now adjourn.

Mr. Albright called for the yeas and nays; the call was sustained, and the motion to adjourn prevailed. Yeas 26, nays 16.

*Affirmative*—Messrs. Anderson, Bell, Boddie, Bryan, Busbee, Cantwell, Clement, Graham, Hargrave, Irwin, Jernigan, Kerr, Mabson, Marler, McCauley, Morehead, Parish, Paschall, Smith, Sugg, Taylor, Tucker, Waddell, Walker, Waring and Worthy—26.

*Negative*—Messrs. Albright, N. S. Cook, French, Holton, Jenkins, Latham, LeGrand, Linney, Love, McElroy, McMillan, Pegram, Selby, Standford, Williamson and Young—16.

Thereupon the Senate stood adjourned until 11 A. M. tomorrow.

## THIRTY-THIRD DAY.

SENATE CHAMBER, January 20th, 1875.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

Indefinite leave of absence was granted Mr. Love on account of sickness.

Mr. Paschall presented a petition concerning the Deaf, the Dumb and the Blind Institution. Referred to the Committee on the Deaf, Dumb, and Blind Institution.

Reports from Standing Committee were submitted as follows:

From Committee on Judiciary:

By Mr. Morehead, S. B. No. 169: A bill to be entitled an act to amend chapter 170, laws of 1873–'74, with a recommendation that it do not pass.

S. R. No. 171: Resolution in favor of W. W. Holden, with a recommendation that it do not pass.

The following named bills and resolutions were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows:

By message from the House of Representives, H. B. No. 180: A bill to be entitled an act for the benefit of small farmers. To the Committee on Propositions and Grievances.

By Mr. Kerr: A bill to be entitled an act to amend section 6, chapter 102, of Battle's Revisal. To the Committee on Finance.

By Mr. Latham: A bill to be entitled an act to change the time of holding the Superior Courts of Hyde and Dare. To the Committee on Judiciary.

By Mr. Irwin: A bill to be entitled an act act to incorporate the North Carolina Border Railroad Company. To the Committee on Internal Improvements.

A bill to be entitled an act to empower Harrison Lindsey to solemnize the rites of matrimony. To the Committee on Propositions and Grievances.

By Mr. Busbee: A bill to be entitled an act to incorporate the "Southern Underwriters Association." To the Committee on Corporations.

By Mr. Linney: A bill to be entitled an act to allow a deposit of a mortgage in the courts of the State in lieu of a bond or money deposit. To the Committee on Judiciary.

By Mr. Mabson: A bill to be entitled an act to amend chapter 116, section 5, of Battle's Revisal. To the Committee on Propositions and Grievances.

A bill to be entitled an act te raise the fees of justices of the peace. To the Committee on Judiciary.

By Mr. Cantwell: Resolution in favor of David J. Moore and others, disabled soldiers. To the Committee on Claims.

Special orders were acted upon as follows:

S. B. No. 300: A bill to be entitled an act to incorporate the Albemarle and Roanoke Railroad Company.

Mr. Jernigan moved to postpone the further consideration of the bill, and make it the special order for Wednesday next, the 27th inst., at 12 M.

The motion prevailed.

H. B. No. 61, S. B. No. 195: A bill to be entitled an act to amend chapter 171, of the laws of 1873–'74.

The bill was read and passed the second time. The rules were suspended, and the bill was read and passed the third time, the yeas and nays being dispensed with by consent.

S. B. No. 13: A bill to be entitled an act to establish a legal rate of interest and to prevent usury.

Mr. LeGrand moved to postpone the further consideration of the bill, and make it the special order for January 29th.

The motion prevailed. The substitute for this bill, introduced by Mr. Anderson, was, on motion, ordered to be printed

Bills and resolutions, on the third reading, were acted upon, as follows:

S. B. No. 173: A bill to be entitled an act to amend chapter 17, section 31, clause 2, of Battle's Revisal. The bill was read the third time.

Mr. Shaw moved to re-commit the bill to the Committee on Judiciary. The motion prevailed.

S. B. No. 176, H. B. No. 60: A bill to be entitled an act to extend the time of taking out grants from the State.

The bill was read and passed third time, the yeas and nays being dispensed with by consent.

S. B. No. 208: A bill to be entitled an act to amend section 4, chapter 40, of Battle's Revisal.

The bill was read and passed third time, the yeas and nays being dispensed with by consent.

S. B. No. 211, H. B. No. 133: A bill to be entitled an act to authorize the government of the United States to purchase and hold lands in North Carolina for the purpose of a national cemetery.

The bill was read and passed third time, the yeas and nays being dispensed with by consent.

S. R. No. 288: Resolution in favor of Godfrey Keebler.

The resolution was read and passed third time, the yeas and nays being dispensed with by consent.

Bills, on second reading, were acted upon, as follows:

S. B. No. 219: A bill to be entitled an act to alter and amend chapter 17, section 368, Battle's Revisal. The bill was read and passed the second time.

S. B. No. 220: A bill to be entitled an act to amend section 78, chapter 33, Battle's Revisal. Indefinitely postponed.

S. B. No. 233: A bill to be entitled an act to protect the birds of North Carolina. The bill was read the second time.

Mr. Tucker moved to amend by striking out "fifty dollars" and inserting in lieu thereof "twenty dollars."

Pending the consideration of the motion to amend, Mr. Hargrave moved to refer the bill to the Committee on Agriculture, Mechanics and Mining. The motion to refer prevailed.

S. B. No. 224, H. B. No. 177: A bill to be entitled an act concerning publication of accounts audited by county commissioners. Laid upon the table.

Bills were acted upon, under a suspension of the rules, as follows:

S. B. No. 219: A bill to be entitled an act to alter and amend chapter 17, section 368, Battle's Revisal. The bill was read and passed the third time, the yeas and nays being dispensed with by consent.

S. B. No. 367: A bill to be entitled an act concerning fences in Iredell county. The bill was read second time and passed. The bill was read third time.

Mr. Williamson moved to amend by inserting "Caswell" after Iredell.

The amendment prevailed.

Mr. Jenkins moved to amend by inserting "Cleaveland" after Caswell.

The amendment prevailed.

Mr. Shaw moved to amend by adding after Cleaveland, "Bertie, Chowan, Gates, Hertford, Perquimans, Pasquotank, Camden and Currituck."

The amendment prevailed, and the bill, as amended, passed the third time, the yeas and nays being dispensed with by consent.

S. B. No. 289: A bill to be entitled an act to protect the birds of North Carolina. Taken up and referred to the Committee on Agriculture, Mechanics and Mining.

On motion by Mr. Cantwell, S. R. No. 361 and S. R. No. 360: Resolutions concerning Federal interference in the domestic affairs of Louisiana, were taken up and referred to the Joint Select Committee on Louisiana Affairs.

Mr. French offered a resolution instructing the doorkeeper to procure a suitable chair for the use of the President of the Senate. The resolution was read and adopted.

The Senate then adjourned until 11 A. M. to-morrow.

## THIRTY-FOURTH DAY.

SENATE CHAMBER, January 21st, 1875.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Rich.

The Journal of yesterday was read.

Indefinite leave of absence was granted Mr. Mills, from January 16th, on account of sickness.

Mr. Linney presented a memorial from the citizens of Alexander county concerning a call for Convention. Referred to the Joint Select Committee on Constitutional Reform.

Mr. Peebles presented a petition to prohibit the sale of liquor within five miles of Roberts' Chapel, in Northampton county. Referred to the Committee on Propositions and Grievances.

Mr. McCauley presented a petition from citizens of Anson county for the passage of an act to prevent the wanton destruction of game. Referred to the Committee on Agriculture, Mechanics and Mining.

Reports from standing committees were submitted as follows.

From Committee on Propositions and Grievances:

By Mr. Latham, H. B. No. 72, S. B. No. 322: A bill to be entitled an act to levy a special tax for the county of Jones, with a recommendation that it do pass.

H. B. No. 180, S. B. No. 395: A bill to be entitled an act for the benefit of small farmers, with a recommendation that it do pass.

S. B. No. 391: A bill to be entitled an act to empower Harrison Lindsey to solemnize the rites of matrimony, with a recommendation that it do not pass.

H. B. No. 242, S. B. No. 346: A bill to be entitled an act to amend chapter 137, section 1st, laws of 1873–'74, with a recommendation that it do pass.

S. B. No. 388: A bill to be entitled an act to amend chapter

116, section 5, of Battle's Revisal, with a recommendation that it do not pass.

S. B. No. 372: A bill to be entitled an act to incorporate Piny Creek Baptist church, in Alleghany county, with a recommendation that it do pass.

S. B. No. 375: A bill to be entitled an act to prohibit the sale of intoxicating liquors within two miles of Cedar Grove and Eno churches, in Orange county, with a recommendation that it do pass.

S. B. No. 314: A bill to be entitled an act incorporating the Beneficial Association, with the request that the bill be referred to the Committee on Judiciary. The bill was so referred.

From Committee on Corporations:

By Mr. French, S. B. No. 365: A bill to be entitled an act to incorporate the Trustees of Statesville Academy, with a recommendation that it do pass.

By Mr. Busbee, H. B. No. 189, S. B. No. 230: A bill to be entitled an act to incorporate the Light House Club, of Currituck Sound, with a recommendation that it do pass.

From Committee on Judiciary:

By Mr. McElroy, H. B. No. 174, S. B. No. 227: A bill to be entitled an act to change time of holding certain courts in the Eleventh District, with a recommendation that it do not pass.

By Mr. French, H. B. No. 28, S. B. No. 41: A bill to be entitled an act to change the time of holding the courts in the Third Judicial District, with a recommendation that it do pass with the accompanying amendments.

The following named bills and resolutions were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows:

By Mr. Bell: A bill to be entitled an act to amend section 52, chapter 87, Battle's Revisal. To the Committee on Judiciary.

A bill to be entitled an act to amend the charter of the town of Beaufort. To the Committee on Corporations.

A bill to be entitled an act to repeal section 2, chapter 64, private laws of 1870-'71. To the Committee on Propositions and Grievances.

By Mr. McMillan: A bill to be entitled an act to protect sheep. To the Committee on Agriculture, Mechanics and Mining.

By Mr. Paschall: A bill to be entitled an act to provide for the education of adults. To the Committee on Education.

By Mr. Tucker: A bill to be entitled an act concerning a public bridge and raising tax for the same. To the Committee on Finance.

By Mr. Jenkins: A bill to be entitled an act to authorize sale of a certain street and alley in the town of Shelby. To the Committee on Propositions and Grievances.

By Mr. Cooke: Resolution in favor of James I. Moore, sheriff of Granville county. To the Committee on Claims.

By Mr. Busbee: Resolution in favor of Moses A. Bledsoe. To the Committee on Claims.

By message from the House of Representatives, H. B. No. 265: A bill to be entitled an act in relation to writs of *certiorari*, *recordari* and *supersideas*. To the Committee on Judiciary.

H. B. No. 29: A bill to be entitled an act to amend the charter of the town of Lincolnton. To the Committee on Corporations.

H. R. No. 111: Resolution in regard to heating the Capitol. Concurred in. The Chair (Mr. Bell) designated Messrs. McElroy and Cantwell as the Senate branch of the committee proposed.

Mr. Peebles moved to suspend the rules and take up S. B. No. 300: A bill to be entitled an act to incorporate the Albemarle and Roanoke Railroad Company, and put it on it passage. The motion prevailed.

Mr. Jernigan moved to re-commit the bill to the Committee on Internal Improvements. The motion prevailed.

Bills on third reading were acted on as follows:

S. B. No. 166, H. B. No. 43: A bill to be entitled an act to repeal an act passed at the session of 1872–'73.

On motion by Mr. Taylor, the bill was made the special order for Thursday next, January 31.

S. B. No. 180: A bill to be entitled an act to amend chapter 56, section 4, Battle's Revisal. The bill was read and passed the third time, the yeas and nays being dispensed with by consent.

A message was received from the House of Representatives informing the Senate that the House of Representatives had concurred in the Senate amendment to H. B. No. 102, S. B. No. 184: A bill to be entitled an act providing for two additional terms of the Superior Court for the county of Wayne, and had passed an additional amendment to the bill, an engrossed copy of which was therewith transmitted.

The question recurring upon concurrence in the amendments, Mr. French called for a division of the question, and the Senate concurred in the amendment as to the time of holding the Courts, but refused to concur in the amendment as to the amount to be allowed the Judge for holding each term, and ordered a message to be sent to the House of Representatives, informing that honorable body of the Senate's refusal to concur.

At 12:30 P. M., the Senate proceeded to consider the special order for that hour, to wit:

S. B. No. 368: A bill to be entitled an act concerning the weighing of lint cotton. The bill was read the second time.

Mr. Graham moved to amend by adding the words "or for other just cause," at the end of section 1.

Mr. Cantwiell moved to amend the amendment by adding: "Sec. 2. That if any person or persons, shall wilfully and fraudulently mix, insert, put or pack water, sticks, sand, dirt, or any other substance or mixture whatsoever in cotton, turpentine, flour or peas, or any other article offered for sale, with intent to cheat or defraud the purchaser, or shall ship or carry the same, knowing the fraud practiced or intended, he, she or they shall be guilty of felony, and on conviction, shall be

punished as in cases of larceny." Pending the consideration of the amendment,

Mr. Graham called the previous question.

The call was sustained, and the question recurring upon the adoption of the amendment offered by Mr. Cantwell, the amendment did not prevail.

The question then recurring upon the adoption of the amendment offered by Mr. Graham. The amendment prevailed; and the bill, as amended, passed the second time. The rules were suspended, and the bill was read and passed third time. Yeas 40, nays 5.

*Affirmative.*—Messrs. Albright, Anderson, Bell, Boddie, Busbee, Cashwell, Clement, C. M. Cooke, N. S. Cook, French, Graham, Hargrave, Holton, Irwin, Jenkins, Jernigan, Kerr, Latham, LeGrand, Linney, Marler, McCauley, McElroy, McMillan, Morehead, Parish, Pegram, Selby, Shaw, Smith, Standford, Stickney, Sugg, Taylor, Waddell, Walker, Waring, Williamson, Worthy and Young—40.

*Negative.*—Messrs. Bryan, Cantwell, Mabson, Paschall and Tucker—5.

Bills, under a suspension of the rules, were acted upon as follows:

S. B. No. 230: A bill to be entitled an act to incorporate the Light House Club, of Currituck sound.

The bill was read and passed second and third times, the yeas and nays being dispensed with by consent.

S. B. No. 365: A bill to be entitled an act to incorporate the trustees of Statesville Academy.

The bill was read and passed the second and third times, the yeas and nays being dispensed with by consent.

S. B. No. 384: Resolution concerning night sessions of the Senate, was read.

Mr. Hargrave offered an amendment, in the nature of a substitute, providing for afternoon sessions of the Senate. The amendment did not prevail, and the resolution was adopted.

The following bills and resolutions, reported as correctly en-

rolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

An act to regulate the fees of jailors.

An act to prevent the misapplication of the bonds, securities and other property and effects of the State.

Resolution in favor of Henry M. Miller.

An act to incorporate the Gaston Mining Company.

The Senate then adjourned until to-morrow at 11 A. M.

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## THIRTY-FIFTH DAY.

SENATE CHAMBER, January 22d, 1875.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Mangum.

The Journal of yesterday was read.

Petitions and memorials were presented and acted upon, as follows:

By Mr. Graham: A petition to prohibit the sale of liquor within two miles of Bethel church, Catawba county, North Carolina. To the Committee on Propositions and Grievances.

By Mr. Shaw: Petition to prohibit the sale of intoxicating liquor within three miles of Roxobel and Sandy Run churches, in Bertie county. To the Committee on Propositions and Grievances.

By Mr. Peebles: Petition to prohibit the sale of liquor near Roberts' chapel, in Northampton county. To the Committee on Propositions and Grievances.

By Mr. Busbee: A counter petition from certain citizens of Northampton county, living in the neighborhood of Roberts' chapel. To the Committee on Propositions and Grievances.

By Mr. Cantwell: A petition from members of Bethlehem

Baptist church, New Hanover county. To the Committee on Propositions and Grievances.

A petition from citizens of Rocky Mount township, concerning the proposed new county of Lillington. Filed with S. B. No. 192.

Reports from Standing Committees were submitted, as follows:

From Committee on Banks and Currency:

By Mr. Kerr, S. B. No. 374: A bill to be entitled an act to incorporate the "Cleaveland Savings Bank," with a recommendation that it do pass.

From Committee on Education:

By Mr. Bell, S. B. No. 278: A bill to be entitled an act to authorize the trustees of Pasquotank county to build public school houses in certain districts, with a recommendation that it do pass.

From Committee on Judiciary:

By Mr. Jernigan, S. B. No. 305: A bill to be entitled an act to amend chapter 17, of Battle's Revisal, title 11, Code of Civil Procedure, with a recommendation that it do pass.

S. B. No. 303: A bill to be entitled an act to change the time of sales-day, with a recommendation that it do not pass.

H. B. No. 199, S. B. No. 320: A bill to be entitled an act to amend chapter 12, Battle's Revisal, concerning Building Associations, with a request that the bill be referred to the Committee on Corporations. The bill was so referred.

By Mr. Kerr, S. B. No. 218: A bill to be entitled an act to amend chapter 41, section 4, laws of 1858–'59, with a recommendation that it do not pass.

S. B. No. 232: A bill to be entitled an act to define and punish incest, with a recommendation that it do not pass.

By Mr. Waddell, S. B. No. 237: A bill to be entitled an act to amend chapter 5, of Battle's Revisal, so as to prevent white children being bound to colored masters, with a recommendation that it do pass, with accompanying amendment.

By Mr. McCauley, H. B. No. 117, S. B. No. 284: A bill to be entitled an act to amend chapter 38, of Battle's Revisal,

with a recommedation that it do pass, with accompanying amendment.

From Committee on Propositions and Grievances:

By Mr. Latham, S. R. No. 362: Resolution concerning a custom house and other useful improvements in the city of Newbern, N. C., with a request that it be placed on the calendar.

S. B. No. 405: A bill to be entitled an act to repeal section 2, chapter 64, private laws of 1870–'71, with a recommendation that it do pass.

S. B. No. 370: A bill to be entitled an act to prohibit the sale of spirituous liquors near Pelham church, in Caswell county, with a recommendation that it do pass.

From Committee on Judiciary:

By Mr. Waddell, S. B. No. 217: A bill to be entitled an act to amend chapter 137, section 1, of laws of 1873–'74, with a request that the bill be referred to the Committee on Propositions and Grievances. The bill was so referred.

S. B. No. 276: A bill to be entitled an act to amend section 53, chapter 33, of Battle's Revisal, with a recommendation that it do not pass.

By Mr. Peebles, S. B. No. 90: A bill to be entitled an act to amend an act entitled an act to charter the Carolina Narrow Gauge Railroad, ratified February 8th, 1872, with a request that the bill be referred to the Committee on Internal Improvements. The bill was so referred.

From the Joint Select Committee on Louisiana Affairs:

By Mr. Busbee, a substitute for S. R. No. 360 and S. R. No. 361.

The question recurred upon the adoption of the substitute offered by the committee.

Pending the consideration of this question, Mr. Busbee called the previous question. The call was sustained, and the main question was put.

The yeas and nays being ordered, on motion by Mr. Tucker, the resolutions were adopted. Yeas 40, nays 9.

*Affirmative.*—Mr. President, Messrs. Albright, Anderson, Bell, Boddie, Busbee, Cantwell, Clement, C. M. Cooke, French, Graham, Hargrave, Irwin, Jenkins, Jernigan, Kerr, Latham, LeGrand, Linney, Love, Marler, McCauley, McElroy, McMillan, Morehead, Parish, Peebles, Pegram, Selby, Shaw, Smith, Standford, Stickney, Sugg, Taylor, Waddell, Waring, Williamson, Worthy and Young—40.

*Negative.*—Messrs. Bryant, Cashwell, N. S. Cook, Holton Mabson, Paschall, Sneed, Tucker and Walker—9.

The following named bills and resolutions were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows:

By Message from the House of Representatives, H. B. No. 293: A bill to be entitled an act to prohibit the sale of intoxicating liquors within two and one-half miles of Hank's Chapel church, in the county of Chatham. To the Committee on Propositions and Grievances.

H. B. No. 315: A bill to be entitled an act to amend an act entitled an act to incorporate the town of Hickory, in the county of Catawba, ratified December 18, 1873, and for other purposes. To the Committee on Corporations.

H. B. No. 279: A bill to be entitled an act to incorporate the town of Marlboro, in the county of Pitt. To the Committee on Corporations.

H. B. No. 331: A bill to be entitled an act to divest the jurisdiction of the superior courts over misdemeanors in failing to list poll and property, and for other purposes. To the Committee on Finance.

H. B. No. 169: A bill to be entitled an act to punish swindling at agricultural fairs. To the Committee on Judiciary.

H. B No. 267: A bill to be entitled an act to prevent the felling of timber in the South Fork river and in Rock and Laurel creeks, in Burke county. To the Committee on Propositions and Grievances.

H. B. No. 309: A bill to be entitled an act to amend chapter 102, public laws 1873–'74, concerning Clark's creek and Maiden creek, in the counties of Lincoln and Catawba. To the Committee on Propositions and Grievances.

By Mr. C. M. Cooke: A bill to be entitled an act to amend chapter 64, of Battle's Revisal. To the Committee on Agriculture, Mechanics and Mining. Ordered to be printed and made the special order for January 25th.

A bill to be entitled an act to repeal sections 19 and 20, chapter 65, of Battle's Revisal. To the Committee on Agriculture, Mechanics and Mining.

By Mr. Jenkins: A bill to be entitled an act to prohibit the sale of intoxicating liquors within one mile of Pleasant Hill Baptist church, Cleaveland county. To the Committee on Propositions and Grievances.

By Mr. Bell: A bill to be entitled an act to repeal so much of section 1, chapter 171, Battle's Revisal, as relates to Pollocksville, Jones county. To the Committee on Judiciary.

By Mr. Worthy: A bill to be entitled an act to authorize the board of commissioners of Moore county to levy a special tax for county purposes. To the Committee on Propositions and Grievances.

By Mr. Standford: A bill to be entitled an act to amend section 54, chapter 61, Battle's Revisal. To the Committee on Judiciary.

By Mr. Boddie: A bill to be entitled an act to amend sections 1 and 2, of Battle's Revisal, chapter 115, page 835. To the Committee on Judiciary.

By Mr. Tucker: A bill to be entitled an act concerning salt fish. To the Committee on Propositions and Grievances.

By Mr. Paschall: A bill to be entitled an act to provide for taking census. To the Committee on Education.

By Mr. Albright: A bill to be entitled an act to revive and continue in force an act appointing trustees for the Haywood Academy, in Chatham county. To the Committee on Education.

The following named resolutions were introduced, read and disposed of, as follows:

By Mr. French: Resolution concerning the Constitution.

On motion by Mr. Busbee, referred to the Joint Select Committee on Constitutional Reform.

By Mr. Hargrave: Resolution amending the rules of order so as to provide for the appointment of seven additional members to the Committee on Judiciary. The resolution was read and adopted, and the Chair designated Messrs. Hargrave, LeGrand, Standford, Latham, Graham, Cantwell and Albright as the additional members of the Judiciary Committee.

By Mr. Busbee: Resolution providing for the addition of two Senators to the Committee on Corporations. The resolution was adopted, and the Chair designated Messrs. Taylor and Marler as the additional members of the said Committee.

By Mr. Albright: Resolution requesting the several committees to report without unnecessary delay all bills and resolutions which have or may come into their hands, upon which they have not reported during this session.

Mr. Cantwell proposed to amend by striking out the word "Resolved," and insert the following:

"Resolved by the Senate the House of Representatives concurring."

Pending the consideration of the amendment, Mr. Albright called the previous question. The call was sustained.

The question recurring on the motion to amend, the yeas and nays were ordered, and the amendment was adopted. Yeas 26, nays 21.

*Affirmative.*—Messrs. Albright, Bryan, Busbee, Cantwell, Clement, N. S. Cook, Graham, Holton, Latham, Linney, Mabson, Marler, McElroy, McMillan, Morehead, Paschall, Peebles, Shaw, Sneed, Taylor, Tucker, Waddell, Walker, Waring, Worthy and Young—26.

*Negative.*—Messrs. Anderson, Bell, Boddie, Cashwell, C. M. Cooke, French, Hargrave, Irwin, Jenkins, Jernigan, Kerr, LeGrand, McCauley, Parish, Pegram, Selby, Smith, Standford, Stickney, Sugg and Williamson—21.

The resolution, as amended, was then laid over under the rules.

By Mr. Morehead: Resolution requesting the Committee on Claims to report a bill providing for the payment of such of the expenses incurred in the burial of the late Gov. Caldwell as, in their opinion, should be assumed by the State. Adopted.

By Mr. Bell: Resolution to repeal the Senate resolution requiring night sessions.

Pending the consideration of the resolution, Mr. Latham called the previous question.

The call was sustained. The yeas and nays being ordered, on demand of Mr. Albright, the resolution was rejected. Yeas 23, nays 24.

*Affirmative.*—Messrs. Anderson, Bell, Bryan, Cantwell, Cashwell, Graham, Irwin, Jernigan, Kerr, Linney, Mabson, McCauley, Morehead, Parish, Paschall, Peebles, Pegram, Sneed, Taylor, Tucker, Waddell, Waring and Young—23.

*Negative.*—Messrs. Albright, Boddie, Busbee, Clement, C. M. Cooke, N. S. Cook, French, Hargrave, Holton, Jenkins, Latham, LeGrand, Marler, McElroy, McMillan, Selby, Shaw, Smith, Standford, Stickney, Sugg, Walker, Williamson and Worthy—24.

At the expiration of the morning hour, the Senate proceeded to consider the special order for the day, to-wit:

S. R. No. 311: Resolution in favor of education.

On motion by Mr. Bell, the further consideration of this resolution was indefinitely postponed.

On motion by Mr. Bell, the Committee on Corporations was discharged from the further consideration of

S. B. No. 348: A bill to be entitled an act to amend the

charter of Newbern, and the bill was referred to the Committee on Judiciary.

The following named bills, amendments and resolutions, reported as correctly engrossed by the Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence:

S. B. No. 182: A bill to be entitled an act to amend section 8, chapter 27, Battle's Revisal.

S. B. No. 97: A bill to be entitled an act to amend sections 13 and 15, chapter 64, Battle's Revisal.

Substitute for H. B. No. 13, S. B. No. 112: A bill to be entitled an act to amend sections 264, 265, 270 and 273, of Code of Civil Procedure.

The following bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

An act to extend the time of taking out grants from the State.

An act to authorize the Government of the United States to purchase and hold lands in North Carolina for the purpose of a national cemetery.

An act to amend section 2, chapter 171, of laws of 1873–'74.

The Senate then adjourned until to-morrow at 11 A. M.

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## THIRTY-SIXTH DAY.

SENATE CHAMBER, January 23d, 1875.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

Leave of absence was granted Mr. Cantwell until Tuesday next.

On motion, Mr. Love was allowed to record his vote in the affirmative on the adoption of the resolutions reported by the Joint Select Committee on Louisiana affairs, as a substitute for S. R. No. 36, and S. R. No. 361.

Mr. Smith was allowed to record his vote in the affirmative on the adoption of S. R. No. 411; and Mr. Mabson was permitted to record his vote in the negative on the same resolution.

Petitions were presented and disposed of as follows:

By Mr. Morehead: Petition from Alamance Grange, Guilford county. Filed with the usury bill.

By Mr. Boddie: Petition from certain citizens of Nash county. To the Committee on Propositions and Grievances.

By Mr. Parish: Petition from certain citizens of Orange county, relative to a dog law. To the Committee on Agriculture, Mechanics and Mining.

Reports from Standing Committees were submitted as follows:

From Committee on Propositions and Grievances:

By Mr. Latham, H. B. No. 309, S. B. No. 413: A bill to be entitled an act to amend chapter 102, public laws of 1873–'74, concerning Clarke's creek, &c., with a recommendation that it do pass.

H. B. No. 293, S. B. No. 419: A bill to be entitled an act to prohibit the sale of intoxicating liquors within two and a half miles of Hank's Chapel church, in the county of Chatham, with a recommendation that it do pass.

S. B. No. 401: A bill to be entitled an act to authorize sale of certain street and alley in the town of Shelby, with a recommendation that it do pass.

S. B. No. 421: A bill to be entitled an act concerning salt fish, with a recommendation that it do not pass.

S. B. No. 425: A bill to be entitled an act to authorize the board of commissioners of Moore county to levy a special tax for county purposes, with a recommendation that it do pass.

S. B. No. 427: A bill to be entitled an act to prohibit the

sale of intoxicating liquors within one mile of Pleasant Hill Baptist church, with a recommendation that it do pass.

From the Committee on Claims:

By Mr. French, S. R. No. 400: Resolution in favor of Jas. I. Moore, sheriff of Granville county, with a recommendation that it do pass.

S. R. No. 386: Resolution in favor of David J. Moore and others, disabled soldiers, with a recommendation that it do not pass.

From Committee on Education:

By Mr. Bell, S. B. No. 403: A bill to be entitled an act to provide for the education of adults, with a recommendation that it do not pass.

H. R. No. 77, S. R. No. 336: Resolution concerning educational interest of Cherokee, with a recommendation that it do pass.

S. B. No. 315: A bill to be entitled an act for building and repairing school houses in Craven county, with a recommendation that it do not pass.

S. B. No. 4: A bill to be entitled an act to amend sections 20 and 28, of the public school law for 1873–'74, with accompanying amendments.

S. B. No. 31: A bill to be entitled an act to provide for building common school houses, with a recommendation that it do not pass.

By Mr. Marler, S. B. No. 316: A bill to be entitled an act to provide a *per diem* for school committeemen, with a recommendation that it do not pass.

From Committee on Finance:

By Mr. Standford, S. B. No. 145: A bill to be entitled an act concerning the conveyance of convicts to the penitentiary, with an amendment, in the nature of a substitute.

From Committee on Judiciary:

By Mr. Morehead, S. B. No. 387: A bill to be entitled an act to raise the fees of justices of the peace, with a recommendation that it do not pass.

S. B. No. 158: A bill to be entitled an act for the benefit of disabled North Carolina soldiers, with an opinion that the provisions of the act are constitutional.

By Mr. McElroy, S. B. No. 338: A bill to be entitled an act to amend chapter 104, section 15, of Battle's Revisal, with accompanying amendments.

By Mr. Kerr, S. B. No. 325: A bill to be entitled an act to amend chapter 76, Battle's Revisal, with a recommendation that it do pass.

By Mr. McCauley, H. B. No. 122, S. B. No. 286: A bill to be entitled an act to provide for the release of insolvent defendants in criminal actions, with a recommendation that it do not pass.

From Committee on Internal Improvements:

By Mr. Waring, S. B. No. 359: A bill to be entitled an act to obtain information concerning State's interest in works of internal improvement, with a recommendation that it do pass.

From Committee on Penal Institutions:

By Mr. Marler, S. R. No. 279: Resolution in favor of convicts at the Penitentiary, with accompanying amendments.

From Committee on Banks and Currency:

By Mr. Jenkins, S. B. No. 371: A bill to be entitled an act to incorporate the bank of Reidsville, with accompanying amendment.

From Committee on Corporations:

By Mr. Busbee, H. B. No. 208, S. B. No. 296: A bill to be entitled an act to lay out and construct a public road from Boone, Watauga county, to the Caldwell and Watauga Turnpike, with a recommendation that it do pass.

S. B. No. 382: A bill to be entitled an act to incorporate "the Oak City Building and Loan Association of Raleigh, N. C.," with accompanying amendment.

S. B. No. 390: A bill to be entitled an act to incorporate the "Southern Underwriter's Association," with accompanying amendments.

By Mr. Marler, S. B. No. 347: A bill to be entitled an act

amend an act entitled "an act to incorporate the town of Rocky Mount, in the county of Edgecombe, with a recommendation that it do pass.

H. B. No. 125, S. B. No. 239: A bill to be entitled an act to incorporate Furgerson Camp Ground of the Methodist Church, South, in the county of Haywood, with a recommendation that it do pass.

H. B. No. 126, S. B. No. 198: A bill to be entitled an act to incorporate Olive Branch church, in the county of Union, with a recommendation that it do pass.

H. B. No. 159, S. B. No. 199: A bill to be entitled an act to incorporate Pleasant Grove Camp Ground, in the county of Union, with a recommendation that it do pass.

The following named bills and resolutions were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows:

By message from the House of Representatives, H. B. No. 314: A bill to be entitled an act to authorize the county of Carteret to compromise its debts. To the Committee on Judiciary.

H. B. No. 362: A bill to be entitled an act to allow the the commissioners of Gaston county to levy a special tax. To the Committee on Propositions and Grievances.

H. B. No. 379: A bill to be entitled an act to lay off and establish the county of Coharie. To the Committee on Propositions and Grievances.

By Mr. Peebles: A bill to be entitled an act to provide for additional terms of the Superior Courts of Northampton and Halifax counties. To the Committee on Judiciary.

A bill to be entitled an act to secure the enforcement of the criminal law. To the Committee on Judiciary.

By Mr. Love: A bill to be entitled an act to incorporate the Number Six Cherokee Mining and Manufacturing Company. To the Committee on Corporations.

By Mr. Busbee: A bill to be entitled an act to declare

Neuse river a lawful fence from the Falls of Neuse to Ezekial's Rock, in Wake county. Placed on the calendar.

By Mr. McElroy: A bill to be entitled an act for the relief of S. G. Brigman, former Sheriff of Madison county. To the Committee on Propositions and Grievances.

By Mr. Selby: A bill to be entitled an act to incorporate the town of Middleton, in Hyde county. To the Committee on Corporations.

By message from the House of Representatives, H. B. No. 277: A bill to be entitled an act to provide for two additional terms of the Superior Court of Mecklenburg county.

By Mr. Waring: Resolution requesting the opinion of the Attorney General, relative to constitutionality of a license tax on dogs. Read and adopted, under a suspension of the rules.

A bill on its third reading was acted upon as follows:

S. B. No. 181: A bill to be entitled an act to amend an act entitled an act incorporating the town of Lenoir, Caldwell county and the acts amendatory thereof. The bill was read and passed the third time, the yeas and nays being dispensed with by consent.

Bills and resolutions on second reading were acted upon as follows:

S. R. No. 362: Resolution concerning a custom house and other useful improvements in the city of Newbern. Read and adopted.

S. R. No. 410: Resolution concerning committees. Laid upon the table, on motion of Mr. Albright.

S. B. No. 41, H. B. No. 28: A bill to be entitled an act to change the time of holding the courts in the third judicial district. The bill was read a second time. The amendments proposed by a majority of the Judiciary Committee to whom the bill was referred, were adopted, and the bill passed second time.

S. B. No. 169: A bill to be entitled an act to amend chapter 170, laws of 1873–'74.

On motion by Mr. Parish, the bill was laid upon the table.

S. B. No. 179: A bill to be entitled an act for the relief of F. W. Bell, sheriff of Bertie.

On motion by Mr. Latham, the bill was laid upon the table.

S. B. No. 183: A bill to be entitled an act to repeal the Bastardy Law.

On motion by Mr. Latham, postponed and made the special order for Wednesday next, January 27th, at 7:30 P. M.

At the expiration of the morning hour, Mr. Kerr moved to reconsider the vote by which S. R. No. 411: Resolution concerning the Constitution, was referred to the Committee on Constitutional Reform yesterday. The motion prevailed.

Mr. Busbee withdrew, by consent of the Senate, his original motion to commit.

Mr. Cooke, of Franklin, proposed to amend by adding, "by one or the other of the modes provided in the Constitution." The amendment prevailed.

The question recurring upon the adoption of the resolution as amended, the yeas and nays were ordered on demand of Mr. Standford, and the resolution was adopted. Yeas 39, nays 9.

*Affirmative*—Mr. President, Messrs. Albright, Anderson, Bell, Boddie, Busbee, Clement, C. M. Cooke, French, Graham, Hargrave, Irwin, Jenkins, Jernigan, Kerr, Latham, LeGrand, Linney, Love, Marler, McCauley, McElroy, McMillan, Mills, Morehead, Parish, Pegram, Selby, Shaw, Smith, Standford, Stickney, Sugg, Taylor, Waddell, Walker, Waring, Worthy and Young—39.

*Negative*—Messrs. Bryan, Cashwell, N. S. Cook, Holton, Mabson, Paschall, Peebles, Sneed and Tucker—9.

Mr. Peebles moved to reconsider the vote by which S. R. No. 412: Resolution concerning Louisiana affairs, was adopted on yesterday. The motion did not prevail.

At 12 M. the Senate proceeded to the consideration of the special order for that hour, to wit: S. B. No. 92: A bill to be entitled an act for the improvement and reclamation of certain

swamp lands in New Hanover and other counties. The bill was read the second time.

Mr. French proposed to amend by inserting after the words "Brown Marshes," in the third line of section 5, the words "Big Swamp," and after the words "Brown Marshes," in the 5th line in the said section the words "Big Swamp."

Pending the consideration of this amendment, Mr. Parish moved to postpone the further consideration of the bill, and make it the special order for Monday next, January 25th, at 7:30 P. M. The motion prevailed.

Bills and resolutions were acted upon, under a suspension of the rules, as follows:

S. B. No. 41, H. B. No. 28: A bill to be entitled an act to change the time of holding the Courts in the Third Judicial District. The bill was read and passed the third time, the yeas and nays being dispensed with by consent.

H. B. No. 277, S. B. No. 437: A bill to be entitled an act to provide for two additional terms of the Superior Court of Mecklenburg county. The bill was read and passed the second time. The bill was read the third time.

Mr. Busbee moved to refer the bill to the Committee on Judiciary. The motion prevailed, and the bill was so referred.

A message was received from the House of Representatives informing the Senate that the House had refused to concur in the Senate amendments to H. R. No. 90, S. R. No. 326: Resolution in regard to State railroads.

On motion, by Mr. Graham, the Senate receded from its amendments to the resolution.

The Chair then designated Messrs. Graham, Mills and Jernigan as the Senate branch of the committee proposed.

The following named bills, amendments and resolutions, reported as correctly engrossed by the Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence:

S. B. No. 368: A bill to be entitled an act concerning the weighing of lint cotton;

S. R. No. 288: Resolution in favor of Godfrey Keebler;

S. B. No. 219: A bill to alter and amend chapter 17, section 368, Battle's Revisal;

S. B. No. 367: A bill to be entitled an act concerning fences in Iredell county;

S. B. No. 208: A bill to be entitled an act to amend section 4, chapter 40, of Battle's Revisal.

The Senate then adjourned until 11 A. M. Monday

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## THIRTY-SEVENTH DAY.

SENATE CHAMBER, January 25th, 1875.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Atkinson.

The Journal of Saturday was read.

Indefinite leaves of absence were granted Messrs. Love, Irwin and Williamson, on account of sickness.

Petitions and memorials were presented and disposed of, as follows:

By Mr. Tucker: Petition from certain citizens of Craven county concerning a bill before the General Assembly relating to public school houses. To the Committee on Propositions and Grievances.

By Mr. Graham: Memorial of Catawba River Council, Patrons of Husbandry, concerning Carolina Central Railway. To the Committee on Internal Improvements.

Memorial of Catawba River Council, Patrons of Husbandry, concerning the protection of the people of the State against insolvent railroads. To the Committee on Internal Improvements.

By Mr. Latham: Petition from certain citizens of Martin county, praying for the passage of an act prohibiting liquor selling within one mile of Christian Chapel. To the Committee on Propositions and Grievances.

By Mr. Boddie: Petition from citizens of Whitaker's mill and vicinity, praying for an act of incorporation for said mill. To the Committee on Corporations.

By Mr. McElroy: Memorial, praying amendment to the Local Option Law, by the Grand Lodge of Good Templars. To the Committee on Propositions and Grievances.

A communication from the Board of Managers of the Cape Fear Agricultural Association, transmitting a preamble and resolution passed at meeting of said board, was received by the President of the Senate, and read and referred to the Committee on Judiciary.

Reports from Standing Committees were submitted as follows:

From Committee on Education:

By Mr. Bell, S. B. No. 376: A bill to be entitled an act to allow the Superintendent of Public Instruction one clerk, whose salary shall not exceed six hundred dollars per annum, with a recommendation that it do not pass; and with a further recommendation that the accompanying bill, entitled an act to strike out certain words in section 82, chapter 79, Battle's Revisal, do pass.

From Committee on Internal Improvements:

By Mr. LeGrand, S. B. No. 380: A bill to be entitled an act to incorporate the "Beaufort and Neuse Canal and Navigation Trust," with a request that the bill, on account of its importance, be printed, that the committee may the more carefully consider the same.

The bill was ordered to be printed.

From Committee on Agriculture, Mechanics and Mining:

By Mr. Selby, S. B. No. 428: A bill to be entitled an act to repeal sections 19 and 20, of chapter 65, of Battle's Revisal, with a recommendation that it do pass.

From Committee on Propositions and Grievances:

By Mr. Latham, H. B. No. 267, S. B. No. 414: A bill to be entitled an act to prevent the felling of timber in the South

Fork river, and in Rock and Laurel creeks, in Burke county, with a recommendation that it do pass.

S. B. No. 434: A bill for the relief of S. G. Brigman, sheriff of Madison county, with a recommendation that it do *not* pass.

From the Joint Committee on the Deaf and Dumb and Blind Asylum:

By Mr. Anderson, S. B. No. 210: A bill to be entitled an act for the government of the department for the colored pupils of the Institution for the Deaf and Dumb and Blind, with a recommendation that it do *not* pass.

From Committee on Propositions and Grievances:

By Mr. Latham, S. B. No. 430, H. B. No. 362: A bill to be entitled an act to allow the Commissioners of Gaston county to levy a special tax, with a recommendation that it do pass.

From Committee on Judiciary:

By Mr. McElroy, S. B. No. 389: A bill to be entitled an act to allow a deposit of a mortgage in the Courts of the State in lieu of a bond or money deposit, with a recommendation that it do pass.

From Committee on Agriculture, Mechanics and Mining:

By Mr. Selby, S. B. No. 429: A bill to be entitled an act to amend chapter 64, of Battle's Revisal, with a recommendation that it do pass.

The following named bills and resolutions were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows:

By Mr. Kerr: A bill to be entitled an act to amend the charter of the city of Wilmington. To the Committee on Corporations.

By Mr. Graham: A bill to be entitled an act concerning evidence in cases of fraud, where the State is concerned. To the Committee on Judiciary.

By Mr. Jernigan: A bill to be entitled an act to prevent obstruction to the passage of fish up Albemarle sound, and the rivers emptying into it. To the Committee on Prepositions and Grievances.

By Mr. Anderson: A bill to be entitled an act to incorporate the town of Albemarle, in the county of Stanly. To the Committee on Corporations.

By Mr. Walker: A bill to be entitled an act to amend the 90th chapter of Battle's Revisal. To the Committee on Judiciary.

By Mr. Marler: A bill to be entitled an act to encourage the manufacture of domestic wines in this State. To the Committee on Propositions and Grievances.

By Mr. Bell: A bill to be entitled an act to prohibit the sale of spirituous liquors within three miles of Kitt Swamp church. To the Committee on Propositions and Grievances.

By message from the House of Representatives, H. B. No. 320: A bill to be entitled an act to amend sections 42, 43 and 44, chapter 199, laws of 1871–'72, brought forward in Battle's Revisal, chapter 26, sections 42, 43 and 44, in relation to insurance companies. To the Committee on Insurance.

H. B. No. 308: A bill to be entitled an act to prohibit the sale of spirituous liquors within one mile of Mott's Grove Camp Ground and of Rehoboth church, in Catawba county. To the Committee on Propositions and Grievances.

H. B. No. 327: A bill to be entitled an act to repeal an act prohibiting the sale of spirituous liquors within three miles of the court house, in the county of Richmond. To the Committee on Propositions and Grievances.

H. B. No. 354: A bill to be entitled an act to authorize Cherokee and Graham counties to cancel bonds, and for other purposes. To the Committee on Propositions and Grievances.

At the expiration of the morning hour, the Senate proceeded to consider the special order for that hour, to-wit:

S. B. No. 110: A bill to be entitled an act to give landlords or their agents, without written agreement, a lien for provisions or stores furnished to tenants or lessees upon the crops of said tenants or lessees. The bill was read the second time.

Mr. Cooke, of Franklin, offered S. B. No. 429: A bill to be

entitled an act to amend chapter 64, of Battle's Revisal, as a substitute.

Mr. Bell proposed to amend by inserting the words, "or owner of the land," after the word "lessor," wherever it occurs. The amendment prevailed.

The question recurring upon the adoption of the substitute,

Mr. Parish moved that the bill, together with the substitute, be referreed to the Committee on Judiciary. The motion prevailed.

The Senate then proceeded to the consideration of the next special order, to-wit: S. B. No. 331, H. B. No. 274: A bill to be entitled an act to repeal section 17, of chapter 112, of Battle'sRevisal. The bill was read third time.

Mr. Marler offered an amendment, in the nature of a substitute.

Pending the consideration of the substitute, Mr. Marler moved that the bill, together with the substitute proposed by himself, be referred to the Committee on Internal Improvements. The motion prevailed, and the bill was so referred.

A bill, under suspension of the rules, was acted upon as follows:

S. B. No. 389: A bill to be entitled an act to allow a deposit of a mortgage in the Courts of the State, in lieu of a bond or money deposit. The bill was read and passed the second time.

On motion by Mr. Busbee, the bill was re-committed to the Committee on Judiciary; ordered to be printed, and made the special order for Thursday the 28th inst., at 12 M.

The following named bills, amendments and resolutions, reported as correctly engrossed by the Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence:

S. B. No. 181: A bill to be entitled an act to amend an act entitled an act to consoldidate an act incorporating the town of Lenoir, Caldwell county, and the acts amendatory thereof.

S. B. No. 365: A bill to be entitled an act to incorporate the Trustees of Statesville Academy.

S. R. No. 412: Resolution concerning Louisiana Affairs.

S. R. No. 362: Resolution concerning a Custom House and other useful buildings in the city of Newbern.

Senate amendments to H. B. No. 28, S. B. No. 41: A bill to be entitled an act to change the time of holding courts in the Third Judicial District.

S. R. No. 411: Resolution concerning the Constitution.

S. B. No. 180: A bill to be entitled an act to amend chapter 56, section 4, of Battle's Revisal.

The following bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

Resolution in regard to heating the Capitol.

An act to incorporate the Light House Club of Currituck Sound.

An act providing for two additional terms of the Superior Court for the county of Wayne.

Resolution concerning State Railroals.

On motion the Senate then adjourned until 11 A. M., tomorrow.

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## THIRTY-EIGHT DAY.

SENATE CHAMBER, January 26th, 1875.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Marshall.

The Journal of yesterday was read.

Mr. Waring presented a petition from the farmers of Morning Star and Clear Creek townships, Mecklenburg county, con-

cerning the proposed tax on dogs. Referred to the Committee on Agricultnre, Mechanics and Mining.

Mr. Jenkins moved that the rules be now suspended, and that S. B. No. 430, H. B. No. 362: A bill to be entitled an act to allow the commissioners of Gaston county to levy a special tax, be put on its second reading. The motion prevailed, and the bill was read and passed the second time. Yeas 43, nays none.

*Affirmative.*—Messrs. Albright, Anderson, Bell, Boddie, Bryan, Cantwell, Cashwell, Clement, C. M. Cooke, N. S. Cook, French, Hargrave, Holton, Jenkins, Jernigan, Kerr, Latham, LeGrand, Linney, Mabson, Marler, McCauley, McElroy, McMillan, Mills, Mcrehead, Parish, Paschall, Pegram, Selby, Shaw, Smith, Sneed, Standford, Stickney, Sugg, Taylor, Tucker, Waddell, Walker, Waring, Worthy and Young—43.

*Negatives.*—None.

Reports from Standing Committees were submitted as follows.

From Committee on Corporations:

By Mr. French, S. B. No. 143: A bill to be entitled an act to incorporate the Yadkin River and Wilkesboro Navigation Company, with accompanying amendments.

S. B. No. 442: A bill to be entitled an act to incorporate the town of Albemarle, in the county of Stanly, with accompanying amendments.

By Mr. Waddell, S. B. No. 406: A bill to be entitled an act to amend the charter of the town of Beaufort, with a recommendation that it do pass;

H. B. No. 315, S. B. No. 418: A bill to be entitled an act to amend an act entitled an act to incorporate the town of Hickory, in the county of Catawba, ratified December 18th, 1873, and for other purposes, with a recommendation that it do pass.

From Committee on Judiciary:

By Mr. Latham, S. B. No. 348: A bill to be entitled an act

to amend the charter of the city of Newbern, with a recommendation that it do pass;

S. B. No. 378: A bill to be entitled an act providing for the filling of vacancies occurring in the boards of county commissioners in the State, with accompanying amendment.

S. B. No. 407: A bill to be entitled an act to amend section 52, chapter 87, of Battle's Revisal, with a recommendation that it do pass.

By Mr. Morehead, H. B. No. 147, S. B. No. 350: A bill to be entitled an act to amend chapter 137, acts of the General Assembly of N. C., of 1873–'74, with a recommendation that it do pass.

H. B. No. 185, S. B. No. 312: A bill to be entitled an act to authorize Notary Public to take privy examinations of married women in certain cases, with a recommendation that it do not pass.

S. B. No. 383: A bill to be entitled an act prescribing the mode by which corporations may convey real estate, with a recommendation that it do pass.

H. B. No. 142, S. B. No. 222: A bill to be entitled an act providing for the decrees in suits in equity rendered prior to a certain act of 1806, with a recommeneation that it do pass.

By Mr. C. M. Cooke, S. B. No. 291: A bill to be entitled an act for the better protection of gardens, orchards and enclosures, with a recommendation that it do not pass.

S. B. No. 178: A bill to be entitled an act to authorize working of convicts at other places than the Penitentiary, with a recommendation that it do not pass.

S. B. No. 290: A bill to be entitled an act in regard to compromises, with a recommendation that it do pass.

By Mr. Hargrave, S. B. No. 381: A bill to be entitled an act to amend section 39, chapter 204, Battle's Revisal, with a recommendation that it do not pass.

By Mr. French, H. B. No. 134, S. B. No. 228: A bill to be entitled an act to amend section 27, chap. 32, of Battle's Revisal, with a recommendation that it do not pass.

By Mr. Linney, H. B. No. 265, S. B. No. 398: A bill to be entitled an act in relation to writs of certiorari, recordari and supersedeas, with a recommendation that it do pass.

S. B. No. 173: A bill to be entitled an act to amend chapter 17, section 31, clause 2, of Battle's Revisal, with a recommendation that it do pass.

From Committee on Propositions and Grievances:

By Mr. Latham, H. B. No. 379, S. B. No. 438: A bill to be entitled an act to lay off and establish the county of Coharie, with a recommendation that it do pass.

H. B. No. 327, S. B. No. 445: A bill to be entitled an act to repeal an act prohibiting the sale of spirituous liquors within three miles of the Courthouse, in the county of Richmond, with a recommendation that it do pass.

H. B. No. 308, S. B. No. 444: A bill to be entitled an act to prohibit the sale of spirituous liquors within one mile of North Grove Camp Ground and of Rehoboth church, in Catawba county, with a recommendation that it do pass.

S. B. No. 447: A bill to be entitled an act to prohibit the sale of spirituous liquors within three miles of Kitt Swamp church, with a recommendation that it do pass.

From Committee on Public Library:

By Mr. LeGrand, S. B. No. 373: A bill to be entitled an act to provide for furnishing the State Library of the Supreme Court, with additional copies of the act of Assembly, and reports of their decisions, with a recommendation that it do pass.

From Committee on Education:

By Mr. Bell, S. B. No. 420: A bill to be entitled an act to revive and continue in force an act appointing Trustees for the Haywood Academy, in Chatham county, with a recommendation that it do pass.

From Committee on Banks and Currency:

By Mr. Jenkins, H. R. No. 79, S. R. No. 297: Resolution urging the repeal by Congress of the tax on issues of State banks, with a recommendation that it do pass.

From Committee on Finance:

By Mr. Standford, S. B. No. 402: A bill to be entitled an act concerning a public bridge and raising tax for the same, with a recommendation that it do pass.

S. B. No. 351: A bill to be entitled an act for the protection of sheep, with a request that the bill be referred to the Committee on Agriculture, Mechanics and Mining. The bill was so referred.

From Committee on Agriculture, Mechanics and Mining:

By Mr. Selby, S. B. No. 289 and S. B. No. 233: Bills to protect the birds of North Carolina, with accompanying substitute.

From Committee on Internal Improvements:

By Mr. Waring, S. B. No. 300: A bill to be entitled an act to incorporate the Albemarle and Roanoke Railroad Company, with accompanying amendments.

The following named bills and resolutions were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows:

By Mr. Latham: A bill to be entitled an act to amend sections 2 and 3 of an act ratified March 6th, 1866, entitled an act to incorporate the Albemarle Steam Navigation Company. To the Committee on Corporations.

By Mr. Jenkins: A bill to be entitled an act to incorporate the town of Shelby, Cleaveland county. To the Committee on Corporations.

By Mr. Bell: A bill to be entitled an act to prevent the deposit of fish offal anywhere along the shores of Bogue sound, in White Oak township, in Carteret county. To the Committee on Propositions and Grievances.

A bill to be entitled an act for the better regulation of the Newbern Academy. To the Committee on Education.

By Mr. Taylor: A bill to be entitled an act to reimburse the several counties for the maintenance of idiots. To the Committee on Judiciary.

By Mr. Standford: A bill to be entitled an act to provide additional accommodation for the insane of the State. To the Committee on Insane Asylum, and ordered to be printed.

At the expiration of the morning hour, Mr. Tucker moved to suspend the rules and take up S. B. No. 210: A bill to be entitled an act for the government of the Department for the colored pupils of the Institution for the Deaf and Dumb and Blind, and to re-commit the same.

Mr. Anderson moved to lay that motion upon the table. The motion to table prevailed.

Mr. Bell moved to suspend the rules and take up S. B. No. 92: A bill to be entitled an act for the improvement and reclamation of certain swamp lands in New Hanover and other counties; in order to make a motion.

The motion prevailed, and, on motion by Mr. Bell, the bill was made the special order for to-morrow at 11 o'clock A. M.

Mr. French asked and obtained leave to report from the Commmittee on Corporations S. B. No. 441: A bill to be entitled an act to amend the charter of the city of Wilmington, with a recommendation that it do pass.

Mr. French moved to suspend the rules, and put this bill upon its several readings. The Senate refused to suspend the rules.

Mr. Cantwell moved to re-commit the bill to the Committee on Corporations.

Mr. Kerr moved to postpone the further consideration of the bill, and make it the special order for to-morrow at 12 M.

Pending the consideration of the bill, the Chair announced that the hour had arrived for the special order, to-wit:

S. B. No. 192: A bill to be entitled an act to create the county of Lillington. The bill was read the second time.

Mr. Standford moved to amend by adding,

"Section —. That the county site of said county shall be located at some point on the Wilmington and Weldon Railroad."

The amendment prevailed.

Mr. Standford then moved to further amend by striking out

the word "Lillington" wherever it occurs and insert "Pender." The amendment prevailed.

Mr. LeGrand moved the following amendment, in the nature of a proviso:

"*Provided*, That this act shall have no effect until it shall be approved by a majority of the qualified voters residing in the territory of the proposed new county, voting at an election which shall be provided for and directed to be held by the Genenral Assembly for the purpose of ascertaining their sense in this matter."

Pending the consideration of this amendment,
The Senate adjourned until 11 A. M. to-morrow.

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## THIRTY-NINTH DAY.

SENATE CHAMBER, January 27th, 1875.

The Senate met pursuant to adjournment.

The Chair announced that the hour had arrived for the special order, to wit:

S. B. No. 92: A bill to be entitled an act for the improvement and reclamation of certain swamp lands in New Hanover and other counties.

On motion, the special order was postponed in order that the Journal might be read.

The Journal of yesterday was then read and approved.

Mr. Jenkins moved that the special order be further postponed for three minutes, in order to take from the calendar H. B. No. 362, S. B. No. 430: A bill to be entitled an act to

allow the commissioners of Gaston county to levy a special tax, and put the same upon its third reading.

The motion prevailed, and the bill was read and passed the third time. Yeas 39, nays none.

*Affirmative.*—Messrs. Albright, Anderson, Bell, Boddie, Cantwell, Cashwell, Clement, N. S. Cook, French, Graham, Hargrave, Jenkins, Jernigan, Latham, Linney, Mabson, Marler, McCanley, McElroy, McMillan, Morehead, Parish, Paschall, Peebles, Pegram, Selby, Shaw, Smith, Sneed, Standford, Stickney, Sugg, Taylor, Tucker, Waddell, Walker, Williamson, Worthy and Young—39.

*Negative*— None.

Mr. Morehead then moved that the special order be postponed until the regular morning business had been disposed of. The motion prevailed.

Mr. Busbee presented a petition, accompanied by a bill, from certain citizens of Johnston county, praying that the western portion of said county be attached to the county of Wake. Referred to the Committee on Propositions and Grievances.

Mr. Bell presented a petition from certain citizens of Newbern, in relation to "an act for the benefit of small farmers," now pending before this General Assembly. Ordered to be filed with the bill designated in the petition.

Reports from Standing Committees were submitted as follows:

From Committee on Judiciary:

By Mr. Peebles, S. B. No. 431: A bill to be entitled an act to provide for additional terms of the Superior Courts of Northampton and Halifax counties, with a recommendation that it do pass.

H. B. No. 166, S. B. No. 229: A bill to be entitled an act to amend section 31, sub-division 2, chapter 3, title 4, Code of Civil Procedure, brought forward in Battle's Revisal, chapter 17, with a recommendation that it do not pass.

S. B. No. 423: A bill to be entitled an act to amend sections

1 and 2, of Battle's Revisal, chapter 115, page 835, with a recommendation that it do not pass.

By Mr. Morehead, S. B. No. 432: A bill to be entitled an act to secure enforcement of the criminal law, with a recommendation that it do not pass.

By Mr. McElroy, H. B. No. 301, S. B. No. 337: A bill to be entitled an act to amend chapter 155, public laws of 1873–'74, with a recommendation that it do pass.

By Mr. Shaw, S. B. No. 352: A bill to be entitled an act for the protection of county commissioners, with a recommendation that it do not pass.

H. B. No. 280, S. B. No. 344: A bill to be entitled an act to amend chapter 98, public laws 1873–'74, with a recommendation that it do pass.

From Committee on Agriculture, Mechanics and Mining:

By Mr. Selby, H. B. No. 195, S. B. No. 385: A bill to be entitled an act to repeal sections 5, 6 and 9, of Battle's Revisal, with accompanying amendment.

From Committee on Corporations:

By Mr. Busbee, S. B. No. 243: A bill to be entitled an act to amend the charter of the town of Kinston, in the county of Lenoir, and for other purposes, with accompanying amendments.

The following named bills and resolutions were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows:

By message from the House of Representatives, H. B. No. 251: A bill to be entitled an act to authorize the board of county commissioners of Rowan county to subscribe to the capital stock of the Yadkin Railroad Company. To the Committee on Judiciary.

H. B. No. 246: A bill to be entitled an act for adjusting the debt of Yancey county. To the Committee on Finance.

H. B. No. 328: A bill to be entitled an act to incorporate the Golden Lyre Lodge, No. 1608, Grand United Order of

Odd Fellows, of Wilmington, N. C. To the Committee on Corporations.

H. B. No. 260: A bill to be entitled an act for the relief of the sureties of John L. Harris, late sheriff of Person county. To the Committee on Propositions and Grievances.

H. B. No. 306: A bill to be entitled an act to incorporate the Western North Carolina Baptist Female College. To the Committee on Education.

H. B. No. 394: A bill to be entitled an act to incorporate the Pamlico Insurance and Banking Company. To the Committee on Insurance.

H. B. No. 243: A bill to be entitled an act to amend the charter of the city of Greensboro'. To the Committee on Corporations.

By message from the House of Representatives, H. B. No. 400: A bill to be entitled an act to protect magistrates and other persons.

Mr. Morehead moved to suspend the rules, and put the bill upon its several readings. The motion did not prevail; and the bill was referred to the Committee on Judiciary.

A message was received from the House of Representatives, informing the Senate that that body had appointed Messrs. Gash, Glenn and Dortch, as the House Branch of the Joint Committee on heating Capitol; and that the following gentlemen compose the House Branch of the Joint Committee to investigate certain matters in connection with the State's interest in the various railroads: Messrs. Oaksmith, McRae, Bryson, Erwin and Glenn.

Mr. Morehead asked and obtained leave to report from the Judiciary Committee, S. B. No. 437, H. B. No. 277: A bill to be entitled an act to provide for two additional terms of the Superior Court of Mecklenburg county, with a recommendation that it do pass.

Mr. Morehead then moved to suspend the rules, and put the bill upon its passage. The motion prevailed; and the bill was read the third time.

The question recurring upon the amendment proposed by the committee, the amendment prevailed, and the bill passed the third time, the yeas and nays being dispensed with by consent.

At 12 M., the Senate proceeded to the consideration of the special order for that hour, to-wit:

S. B. No. 158: A bill to be entitled an act for the benefit of disabled North Carolina soldiers. The bill was read the second time.

Mr. Parish moved to amend by including "concerts" or "musical entertainments," "public farms, toll bridges and gates across highways." The amendment prevailed.

Mr. Cantwell moved to amend by striking out the words "of the Confederate States or of the State of North Carolina," so that it shall read "every citizen of this State who has been totally disabled in the military service of the State in the late war." The amendment did not prevailed

Mr. Morehead moved to amend by adding "and who is not entitled to a pension from the general government," after "North Carolina," in the first section. The amendment prevailed.

The question recurred on the passage of the bill on its second reading.

On demand by Mr. Morehead, the yeas and nays were ordered, and the bill was rejected. Yeas 20, nays 26.

*Affirmative*—Messrs. Busbee, Cantwell, Graham, Jenkins, LeGrand, Marler, McElroy, Mills, Morehead, Parish, Pegram, Selby, Shaw, Smith, Sneed, Standford, Stickney, Sugg, Waddell and Young—20.

*Negative*—Mr. President, Messrs. Albright, Anderson, Bell, Boddie, Bryan, Cashwell, Clement, N. S. Cook, French, Hargrave, Holton, Jernigan, Kerr, Latham, Linney, Mabson, McCauley, McMillan, Paschall, Taylor, Tucker, Walker, Waring, Williamson and Worthy—26.

Bills, under a suspension of the rules, were acted upon as follows:

S. B. No. 300: A bill to be entitled an act to incorporate the Albemarle and Roanoke Railroad Company. The bill was read the second time.

The question recurring upon the adoption of the amendments, reported by the committee, the amendments prevailed.

Mr. Jernigan moved to amend by adding as an additional section:

SECTION 25. That no county bonds shall be sold or hypothecated for less than eighty per cent. net in money of the par value thereof.

The amendment prevailed, and the bill, as amended, passed the second time. Yeas 44, nays none.

*Affirmative*—Messrs. Albright, Anderson, Bell, Boddie, Bryan, Busbee, Cantwell, Cashwell, Clement, N. S. Cook, French, Graham, Hargrave, Holton, Irwin, Jenkins, Jernigan, Kerr, Latham, Love, Mabson, Marler, McCauley, McElroy, McMillan, Mills, Parish, Paschall, Peebles, Pegram, Selby, Shaw, Smith, Sneed, Standford, Stickney, Sugg, Taylor, Tucker, Waddell, Walker, Waring, Williamson, Worthy and Young—44.

*Negative*—None.

On motion, the bill was then made the special order for to-morrow at 12 M.

Bills, under a suspension of the rules, were further acted upon, as follows:

H. B. No. 400, S. B. No. 458: A bill to be entitled an act to protect magistrates and other persons. The bill was read and passed second and third times, the yeas and nays being dispensed with by consent.

S. B. No. 348: A bill to be entitled an act to amend the charter of the city of Newbern. The bill was read the second time.

Mr. Tucker moved to amend by requiring that the charter, if amended, as proposed, should be submitted to a vote of the qualified voters of the city of Newbern.

Pending the consideration of the amendment, Mr. Bell called for the previous question. The call was sustained.

Mr. Mabson called for the yeas and nays on the vote upon the amendment. The call was sustained.

The main question was then put, and the amendment was rejected. Yeas 10, nays 34.

*Affirmative*—Messrs. Bryan, Cantwell, Cashwell, N. S. Cook, Holton, Mabson, Paschall, Sneed, Tucker and Walker—10.

*Negative*—Messrs. Albright, Anderson, Bell, Boddie, Busbee, Clement, French, Graham, Hargrave, Jenkins, Jernigan, Kerr, Latham, Linney, Marler, McCauley, McElroy, McMillan, Mills, Morehead, Parish, Pegram, Selby, Shaw, Smith, Standford, Stickney, Sugg, Taylor, Waddell, Waring, Williamson, Worthy and Young—34.

The question then recurred upon the passage of the bill the second time, and the bill passed the second time.

The bill was read the third time.

Pending its consideration, the previous question was called, and the main question was ordered to be put, and the bill passed the third time. Yeas 34, nays 9.

*Affirmative*—Messrs. Albright, Anderson, Bell, Boddie, Busbee, Clement, French, Graham, Hargrave, Jenkins, Jernigan, Kerr, Latham, Linney, Marler, McCauley, McElroy, McMillan, Mills, Morehead, Parish, Pegram, Selby, Shaw, Standford, Stickney, Sugg, Taylor, Waddell, Walker, Waring, Williamson, Worthy and Young—34.

*Negative*—Messrs. Bryan, Cantwell, Cashwell, N. S. Cook, Holton, Mabson, Paschall, Sneed and Tucker—9.

On motion, S. B. No. 92: A bill to be entitled an act for the improvement and reclamation of certain swamp lands in New Hanover and other counties, was made the special order for 11:30 A. M., Friday of the present week.

Mr. French moved that S. B. No. 441: A bill to be entitled an act to amend the charter of the city of Wilmington, be made the special order for to-morrow at 12:30 P. M.

Mr. Cantwell moved that the Senate do now adjourn, and called for the yeas and nays upon that motion.

The call was sustained, and the Senate refused to adjourn. Yeas 9, nays 32.

*Affirmative*—Messrs. Bryan, Cantwell, Cashwell, N. S. Cook, Mabson, Paschall, Taylor and Tucker—9.

*Negative*—Messrs. Albright, Anderson, Bell, Boddie, Busbee, Clement, French, Graham, Hargrave, Jenkins, Jernigan, Kerr, Latham, Linney, Marler, McCauley, McElroy, McMillan, Morehead, Pegram, Selby, Shaw, Standford, Stickney, Sugg, Waddell, Walker, Waring, Williamson, Worthy and Young—32.

The question then recurring upon the motion to make S. B. No. 441, the special order for to morrow at 12:30 P. M., the motion prevailed.

Mr. Mabson moved that the Senate do now adjourn until 11 A. M. to-morrow.

The yeas and nays being ordered on demand, the Senate refused to adjourn. Yeas 13, nays 27.

*Affirmative*—Messrs. Bell, Bryan, Cantwell, Cashwell, Jernigan, Mabson, Morehead, Paschall, Sneed, Taylor, Tucker, Waring and Young—13.

*Negative*—Messrs. Albright, Anderson, Boddie, Busbee, Clement, N. S. Cook, French, Graham, Hargrave, Holton, Jenkins, Kerr, Latham, Marler, McCauley, McElroy, McMillan, Parish, Pegram, Selby, Shaw, Standford, Stickney, Sugg, Waddell, Walker, Williamson and Worthy—27.

Mr. Waring then moved that the Senate do now adjourn until 10½ o'clock to-morrow morning.

Mr. Busbee called for the yeas and nays. Tha call was sustained, and the Senate refused to adjourn. Yeas 13, nays. 27.

*Affirmative*—Messrs. Bell, Cantwell, Graham, Hargrave, Jernigan, Mabson, McElroy, Morehead, Selby, Sneed, Taylor, Waring and Young—13.

*Negative*—Messrs. Albright, Anderson, Boddie, Bryan, Busbee, Cashwell, Clement, N. S. Cook, French, Holton, Jenkins,

Latham, Linney, Marler, McMillan, Parish, Paschal, Pegram, Shaw, Smith, Standford, Stickney, Tucker, Waddell, Walker, Williamson and Worthy—27.

Mr. Albright then moved that the Senate do now adjourn until 7½ o'clock this evening.

The yeas and nays being ordered on demand, by Mr. Waring, the motion to adjourn prevailed. Yeas 23, nays 19.

*Affirmative*—Messrs. Albright, Anderson, Boddie, Busbee, Clement, N. S. Cook, French, Hargrave, Jenkins, Latham, Linney, Marler, McCauley, McElroy, McMillan, Morehead, Parish, Paschall, Pegram, Smith, Standford, Stickney and Williamson—23.

*Negative*—Messrs. Bell, Bryan, Cantwell, Cashwell, Holton, Jernigan, Kerr, Mabson, Selby, Shaw, Sneed, Sugg, Taylor, Tucker, Waddell, Walker, Waring, Worthy and Young—19.

The following bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

An act to amend the charter of the town of Newport, in the county of Carteret;

An act concerning the weighing of lint cotton;

An act to change the times of holding the Courts in the Third Judical District.

The Senate then stood adjourned until half-past 7 o'clock this evening.

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## EVENING SESSION.

SENATE CHAMBER, January 27th, 1875.

The Senate met pursuant to adjournment, Mr. Bell in the chair.

The Chair announced that the hour had arrived for the

special orderl to wit: S. B. No. 183: A bill to be entitled an act to repeal the bastardy law.

On motion, the special order was postponed one hour.

Mr. Albright offered the following resolution:

*Resolved*, That a committee of three be appointed to separate the public bills from the private bills, and that there be a calendar for each of said classes of bills.

2d. That the private calendar shall be taken up at the night sessions of the Senate.

The resolution was read and adopted.

The Chair (Mr. Bell) designated Messrs. Albright, Cantwell and Shaw as the committee.

Bills were acted upon, under a suspension of the rules, as follows:

S. B. No. 420: A bill to be entitled an act to revive and continue in force an act appointing trustees for the Haywood Academy, in Chatham county.

The bill was read and passed the second and third times, the yeas and nays being dispensed with by consent.

S. B. No. 143: A bill to be entitled an act to incorporate the "Yadkin River and Wilkesboro' Navigation Company." The bill was read the second time.

The amendment proposed by the committee prevailed.

The bill passed the second time. The bill was read and passed the third time, the yeas and nays being dispensed with by consent.

Mr. Mabson then moved that the Senate do now adjourn.

The yeas and nays being ordered, on demand, the Senate refused to adjourn. Yeas 4, nays 30.

*Affirmative*—Messrs. Cantwell, Mabson, Paschall and Tucker—4.

*Negative*—Messrs. Albright, Anderson, Bell, Busbee, Clement, C. M. Cooke, N. S. Cook, Graham, Hargrave, Holton, Jenkins, Linney, Marler, McCauley, McElroy, McMillan, More-

head, Parish, Selby, Shaw, Smith, Sneed, Standford, Sugg, Taylor, Waddell, Walker, Williamson, Worthy and Young—30.

The Senate then proceeded to consider the unfinished business of yesterday, to-wit:

S. B. No. 192: A bill to be entitled an act to create the county of Lillington.

The question recurring upon the adoption of the amendment proposed by Mr. LeGrand,

Mr. Busbee offered to amend the amendment by inserting after "county" "ninety days prior to the passage of this act."

Pending the consideration of this amendment, Mr. Shaw called the previous question.

The main question was ordered to be put.

The question recurring upon the adoption of the amendment proposed by Mr. Busbee, the amendment prevailed.

The question then recurred upon the adoption of the amendment proposed by Mr. LeGrand.

The yeas and nays being ordered, on demand by Mr. Cantwell, the amendment did not prevail. Yeas 8; nays 28.

*Affirmative*—Messrs. Cantwell, N. S. Cook, Holton, LeGrand, Mabson, Paschall, Sneed, Tucker, Walker and Waring—10.

*Negative*—Messrs. Albright, Anderson, Bell, Clement, C. M. Cooke, French, Graham, Hargrave, Jenkins, Kerr, Latham, Linney, Marler, McCauley, McElroy, McMillan, Morehead, Parish, Pegram, Selby, Shaw, Smith, Standford, Stickney, Sugg, Waddell, Worthy and Young—28.

The question then recurred upon the passage of the bill on its second reading. The yeas and nays being ordered, on demand, the bill passed the second time. Yeas 26, nays 13.

*Affirmative*—Messrs. Anderson, Bell, C. M. Cooke, French, Graham, Jenkins, Kerr, Latham, Linney, Marler, McCauley, McElroy, McMillan, Morehead, Parish, Pegram, Selby, Shaw, Smith, Standford, Stickney, Sugg, Taylor, Waddell, Worthy and Young—26.

*Negative*—Messrs. Albright, Busbee, Cantwell, Clement,

N. S. Cook, Hargrave, Holton, LeGrand, Mabson, Paschall, Sneed, Tucker and Walker—13.

Mr. Marler then moved that the rules be suspended, and the bill put on its third reading. The motion prevailed, and the bill was read the third time.

Mr. Cantwell moved to amend by adding the following: "Provided, that the said county shall be liable to pay its share of the public debt of the county of New Hanover, notwithstanding the passage of this act."

Pending the consideration of this amendment, Mr. Albright called the previous question.

The main question was ordered, and the amendment did not prevail.

The question then recurring upon the passage of the bill upon its third reading, the bill passed the third time. Yeas 25, nays 14.

*Affirmative*—Messrs. Anderson, Bell, C. M. Cooke, French, Graham, Jenkins, Kerr, Latham, Linney, Marler, McElroy, McMillan, Morehead, Parish, Pegram, Selby, Shaw, Smith, Standford, Stickney, Sugg, Taylor, Waddell, Worthy and Young—25.

*Negative*—Messrs. Albright, Busbee, Cantwell, Cashwell, Clement, N. S. Cook, Hargrave, Holton, LeGrand, Mabson, Paschall, Sneed, Tucker, Walker, Waring and Williamson—16.

Mr. Graham offered a resolution to allow Joint Committee on Railreads to employ clerical assistance.

The resolution was laid over, under the rules.

The Senate then adjourned until 11 A. M. to-morrow.

## FORTIETH DAY.

SENATE CHAMBER, January 28th, 1875.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Rich.

The Journal of yesterday was read.

Mr. LeGrand asked and obtained leave to record his vote against the passage of S. B. No. 192: A bill to be entitled an act to create the county of Lillington, on the second and third readings, and in the affirmative on the amendment proposed by himself. Also to record his vote in the affirmative on the vote by which the Senate rejected S. B. No. 158: A bill to be entitled an act for the benefit of disabled North Carolina soldiers. Also in the affirmative on the vote by which S. B. No. 348: A bill to be entitled an act to amend the charter of the city of Newbern, was passed on its third reading.

Mr. Waring asked, and was granted, leave to record his vote on S. B. No. 192: A bill to be entitled an act to create the county of Lillington, in the affirmative on the amendment proposed by Mr. LeGrand, and in the negative on the passage of the bill upon its third reading.

Mr. Clement moved that S. B. No. 365, H. B. No. 251: A bill to be entitled an act to authorize the board of county commissioners of Rowan county to subscribe to the capital stock of the Yadkin Railroad Company, be taken from the Judiciary Committee and referred to the Committee on Propositions and Grievances. The motion prevailed.

Mr. Latham moved that Senate Bills No. 294 and 295 (House Bills No. 247 and 148) be re-committed to the Committee on Propositions and Grievances. The motion prevailed.

Mr. Peebles presented a petition from certain citizens near Jackson, Northampton county, concerning the sale of spirituous liquors, which was referred to the Committee on Propositions and Grievances.

Mr. Holton presented a petition from certain citizens of Guilford county, which was referred to the Committee on Judiciary.

Reports from Standing Committees were submitted as follows:

From Committee on Propositions and Grievances:

By Mr. Latham, S. B. No. 457: A bill to be entitled an act to prevent the deposit of fish offal any where along the shores of Bogue Banks in White Oak township, in Carteret county, with a recommendation that it do pass.

S. B. No. 448: A bill to be entitled an act to encourage the manufacture of domestic wines tn this State, with a recommendation that it do pass.

S. B. No. 443, H. B. No. 354: A bill to be entitled an act to authorize Cherokee and Graham counties to cancel bonds, and for other purposes, with a recommendation that it do pass.

From Committee on Judiciary:

By Mr. Waddell, S. B. No. 247: A bill to be entitled an act to amend section 40, chapter 104, Battle's Revisal, with a recommendation that it do pass.

By Mr. French, S. B. No. 424: A bill to be entitled an act to amend section 54, of chapter 61, of Battle's Revisal, with a recommendation that it do pass.

From Committee on Education:

By Mr. Bell, S. B. No. 422: A bill to be entitled an act to provide for taking census, with a recommendation that it do not pass.

S. B. No. 456: A bill to be entitled an act for the better regulation of the Newbern Academy, with a recommendation that it do pass.

From Committee on Corporations:

By Mr. McCauley, H. B. No. 29, S. B. No. 397: A bill to be entitled an act to amend the charter of the town of Lincolnton, with accompanying amendments.

From Committee on Judiciary:

By Mr. McElroy, a substitute for S. B. No. 389: A bill to

be entitled an act to allow a deposit of a mortgage in the courts of the State, in lieu of a bond or money deposit.

From Committee on Corporations :

By Mr. French, S. B. No. 452 : A bill to be entitled an act to amend an act to incorporate the Albemarle and Steam Navigation Company, with a recommendation that it do pass.

From Committee on Propositions and Grievances:

By Mr. Latham, S. B. No. 450 : A bill to be entitled an act to prevent obstructions to the passage of fish up Albemarle sound and the rivers emptying into it, with a recommendation that it do pass.

The following named bills and resolutions were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows :

By Mr. Kerr : A bill to be entitled an act to incorporate the Wilmington, Raleigh and Danville Railroad. To the Committee on Internal Improvements.

By Mr. Hargrave : A bill to be entitled an act to amend Battle's Revisal, chapter 105, section 25, sub-division 2, and section 28, sub-division 17. To the Committee on Propositions and Grievances.

By Mr. Latham : A bill to be entitled an act to amend section 3, chapter 80, of Battle's Revisal. To the Committee on Judiciary.

By Mr. Morehead : A bill to be entitled an act to authorize the boards of commissioners of Guilford and Rockingham to employ convict labor to drain certain lands in said counties. To the Committee on Judiciary.

By Mr. C. M. Cooke : A bill to be entitled an act to amend an act to change the dividing line between the counties of Granville and Franklin. Placed on the calendar.

By Mr. LeGrand : Resolution to authorize the Joint Select Committee to examine the coupons in Treasurer's office" to cancel, burn or destroy said bonds. Read and adopted.

Bills were acted upon, under a suspension of the rules, as follows :

S. B. No. 450: A bill to be entitled an act to prevent obstruction to the passage of fish up Albemarle sound and the rivers emptying into it.

The bill was read and passed second and third times, the yeas and nays being dispensed with by consent.

S. B. No. 452: A bill to be entitled an act to amend an act to incorporate the Albemarle and Steam Navigation Company.

The bill was read and passed the second and third times, the yeas and nays being dispensed with by consent.

The bill was ordered to be transmitted to the House of Representatives without engrossment.

H. B. No. 467: A bill to be entitled an act to amend an act to change the dividing line between the counties of Granville and Franklin. The bill was read the second time.

Mr. Sneed moved to refer to the Committee on Propositions and Grievances.

The motion to refer did not prevail, and the bill passed the second time.

The bill was then read and passed the third time. Yeas 38, nays 8.

*Affirmative*—Messrs. Albright, Anderson, Bell, Boddie, Busbee, Cashwell, Clement, C. M. Cooke, French, Graham, Hargrave, Jenkins, Jernigan, Kerr, Latham, LeGrand, Linney, Marler, McCauley, McElroy, McMillan, Mills, Morehead, Parish, Peebles, Pegram, Selby, Shaw, Smith, Standford, Stickney, Sugg, Taylor, Waddell, Walker, Waring, Williamson and Worthy—38.

*Negative*—Messrs. Bryan, Cantwell, N. S. Cook, Holton, Mabson, Paschall, Sneed and Tucker—8.

The bill was ordered to be sent to the House of Representatives without engrossment.

Special orders were acted upon, as follows:

S. B. No. 194: A bill to be entitled an act to appoint public guardians.

The bill was read and passed the second and third times, the yeas and nays being dispensed with by consent.

S. B. No. 300: A bill to be entitled an act to incorporate the Albemarle and Roanoke Railroad Company. The bill was read and passed third time. Yeas 47, nays none.

*Affirmative*—Messrs. Albright, Anderson, Bell, Boddie, Bryan, Busbee, Cantwell, Cashwell, Clement, C. M. Cooke, N. S. Cook, French, Graham, Hargrave, Holton, Jenkins, Jernigan, Kerr, Latham, LeGrand, Linney, Mabson, Marler, McCauley, McElroy, McMillan, Mills, Morehead, Parish, Paschall, Peebles, Pegram, Selby, Shaw, Smith, Sneed, Standford, Stickney, Sngg, Taylor, Tucker, Waddell, Walker, Waring, Williamson and Worthy—47.

*Negative*—None.

The bill was ordered to be transmitted to the House of Representatives without engrossment.

S. B. No. 389: A bill to be entitled an act to allow a deposit of a mortgage in the courts of the State in lieu of a bond or money deposit. The bill was read the third time.

The substitute, proposed by the Committee on Judiciary, was adopted.

The bill, as perfectted by the amendment, in the nature of a substitnte, was then passed the third time, the yeas and nays being dispensed with by consent.

S. B. No. 441: A bill to be entitled an act to amend the charter of the city of Wilmington. The bill was read the second time.

Mr. Kerr moved to amend by "filling blanks on page 4, so that when filled the reading shall be: On the second Thursday in March; and blanks on page 5, so that when filled the reading shall be: on the fifteenth day of February; and by filling the blanks on page 6, so that when filled the reading shall be in lines 10, 11 and 12: on each and every day except Sunday from the fifteenth day of February, 1875, to the twenty-seventh day of February, 1875, both included; and in lines 13 and 14,

of page 6: the 27th day of February, 1875; and to amend further by inserting the following as an additional section:

SECTION —. The Registrars herein named shall furnish suitable registration books for their respective precincts, which shall be paid for by the city treasurer out of the city funds."

And amend also by changing the name of James O. Lumsden, so that it shall read "James C. Lumsden." The amendment prevailed.

Pending the consideration of the bill, Mr. Latham called the previous question. The yeas and nays being ordered, on demand, the call was sustained. Yeas 35, nays 10.

*Affirmative*—Messrs. Albright, Anderson, Bell, Boddie, Busbee, Clement, C.M. Cooke, French, Graham, Hargrave, Jenkins, Jernigan, Kerr, Latham, LeGrand, Linney, Marler, McCauley, McElroy, McMillan, Morehead, Parish, Pegram, Selby, Shaw, Smith, Sneed, Standford, Stickney, Sugg, Taylor, Waddell, Waring, Worthy and Young—35.

*Negative*—Messrs. Bryan, Cantwell, Cashwell, N. S. Cook, Holton, Mabson, Paschall, Peebles, Tucker and Walker—10.

The main question was then ordered to be put.

The yeas and nays being ordered on demand, by Mr. Cantwell, the bill passed the second time. Yeas 34, nays 11.

*Affirmative*—Messrs. Albright, Anderson, Bell, Boddie, Busbee, Clement, C. M. Cooke, French, Graham, Hargrave, Jenkins, Jernigan, Kerr, Latham, LeGrand, Linney, Marler, McCauley, McElroy, McMillan, Morehead, Parish, Pegram, Selby, Shaw, Smith, Standford, Stickney, Sugg, Taylor, Waddell, Waring, Worthy and Young—34.

*Negative*—Messrs. Bryan, Cantwell, Cashwell, N. S. Cook, Holton, Mabson, Paschall, Peebles, Sneed, Tucker and Walker —11.

Mr. French moved a suspension of the rules, and that the bill be put upon its third reading.

Mr. Cantwell called the yeas and nays, and the rules were suspended. Yeas 34, nays 11.

*Affirmative*—Messrs. Albright, Anderson, Bell, Boddie, Busbee, Clement, C. M. Cooke, French, Graham, Hargrave, Jenkins, Jernigan, Kerr, Latham, LeGrand, Linney, Marler, McCauley, McElroy, McMillan, Morehead, Parish, Pegram, Selby, Shaw, Smith, Standford, Stickney, Sugg, Taylor, Waddell, Waring, Worthy and Young—34.

*Negative*—Messrs. Bryan, Cantwell, Cashwell, N. S. Cook, Holton, Mabson, Paschall, Peebles, Sneed, Tucker and Walker—11.

Pending the consideration of the bill, Mr. French called the previous question.

Mr. Cantwell moved that the Senate do now adjourn, and called for the yeas and nays.

The yeas and nays being ordered, the Senate refused to adjourn. Yeas 11, nays 34.

*Affirmative*—Messrs. Bryan, Cantwell, Cashwell, N. S. Cook, Holton, Mabson, Paschall, Peebles, Sneed, Tucker and Walker—11.

*Negative*—Messrs. Albright, Anderson, Bell, Boddie, Busbee, Clement, C. M. Cooke, French, Graham, Hargrave, Jenkins, Jernigan, Kerr, Latham, LeGrand, Linney, Marler McCauley, McElroy, McMillan, Morehead, Parish, Pegram, Selby, Shaw, Smith, Standford, Stickney, Sugg, Taylor, Waddell, Waring, Worthy and Young—34.

The question recurring upon the call made by Mr. French for the previous question, the call was sustained; the main question was ordered to be put, and the bill passed the third time. Yeas 34, nays 11.

*Affirmative*—Messrs. Albright, Anderson, Bell, Boddie, Busbee, Clement, C. M. Cooke, French, Graham, Hargrave, Jenkins, Jernigan, Kerr, Latham, LeGrand, Linney, Marler, McCauley, McElroy, McMillan, Morehead, Parish, Pegram, Selby, Shaw, Smith, Standford, Stickney, Sugg, Taylor, Waddell, Waring, Worthy and Young—34.

*Negative*—Messrs. Bryan, Cantwell, Cashwell, N. S. Cook,

Holton, Mabson, Paschall, Peebles, Sneed, Tucker and Walker—11.

The following named bills, amendments and resolutions, reported as correctly engrossed by the Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence:

S. B. No. 192: A bill to be entitled an act to create the county of Pendor.

S. B. No. 348: A bill to be entitled an act to amend the charter of the city of Newbern.

Senate amendments to H. B. No. 277, S. B. No. 437: A bill to be entitled an act to provide for two additional terms of the Superior Court of Mecklenburg county.

The Senate then adjourned until 11 A. M. to-morrow.

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## FORTY-FIRST DAY.

SENATE CHAMBER, January 29th, 1875.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Mangum.

The Journal of yesterday was read.

Leave of absence was granted Mr. Cashwell until Wednesday next, February 3d.

Leave of absence was granted Mr. Paschall until Monday next.

Mr. Morehead presented a petition from George W. Bowman. Referred to Committee on Judiciary.

Mr. Cooke, of Franklin, presented a petition from certain citizens of Nash county, relative to a law prohibiting the sale of spirituous liquors within two miles of the Falls of Tar River

Baptist church. To the Committee on Propositions and Grievances.

Reports from Standing Committees were submitted as follows.

From Committee on Judiciary:

By Mr. Morehead, S. B. No. 469: A bill to be entitled an act to amend section 3, chapter 80, Battle's Revisal, with a recommendation that it do pass;

S. B. No. 393: A bill to be entitled an act to change the time of holding the Superior Courts of Hyde and Dare, with a recommendation that it do pass.

By Mr. Shaw, S. B. No. 221: A bill to be entitled an act to repeal chapter 79, laws of 1871 and 1872, with a recommendation that it do pass.

From Committee on Propositions and Grievances:

By Mr. Parish, S. B. No. 465, H. B. No. 251: A bill to be entitled an act to authorize the board of county commissioners of Rowan county, to subscribe to the capital stock of the Yadkin Railroad Company, with a recommendation that it do pass.

The following named bills and resolutions were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows:

By message from the House of Representatives, H. B. No. 323: A bill to be entitled an act to define the powers of foreign trustees. Referred to the Committee on Judiciary.

H. B. No. 197: A bill to be entitled an act to give compensation to sheriffs for bringing convicts to the State prison. To the Committee on Judiciary.

H. B. No. 420: A bill to be entitled an act to define the rights of counsel. To the Committee on Judiciary.

H. B. No. 360: A bill to be entitled an act to protect the stock of the citizens of Forsythe county. To the Committee on Agriculture, Mechanics and Mining.

By Mr. Jenkins: A bill to be entitled an act to incorporate

the bank of Gaston county. To the Committee on Banks and Currency.

By Mr. Smith: A bill to be entitled an act to amend chapter 104, section 25, Battle's Revisal. To the Committee on Judiciary.

By Mr. Parish: A bill to be entitled an act to amend the charter of the town of Durham, in Orange county. To the Committee on Corporations.

By Mr. Bryan: A bill to be entitled an act for the relief of the sureties of the late sheriff of Halifax county. To the Committee on Propositions and Grievances.

By Mr. Busbee: A bill to be entitled an act concerning Battle's Revisal. To the Committee on Judiciary.

A bill to be entitled an act to amend section 5, chapter 48, of Battle's Revisal. To the Committee on Judiciary.

By Mr. Walker: A bill to be entitled an act to incorporate Burnt Chimney Academy, in Rutherford county. To the Committee on Corporations.

By Mr. Latham: A bill to be entitled an act for the establishment of a free ferry across Pamlico river, opposite the town of Washington. To the Committee on Propositions and Grievances.

By Mr. Parish: A bill to be entitled an act to provide for the employment of convicts in the Penitentiary, and for other purposes. To the Committee on Penal Institutions.

By Mr. McElroy: Resolution to adjourn *sine die* February 15th. Laid over under the rules.

By Mr. Paschall: Resolution in favor of asking Congress to remove the tariff off tobacco. To the Committee on Propositions and Grievances.

Mr. Graham moved that the rules be suspended, and S. R. No. 466: Resolution to allow the "Joint Select Committee to Investigate Railroads" to employ clerical assistance, be taken from the table and put on its passage. The motion prevailed and the resolution was adopted.

Special orders were acted upon as follows:

S. B. No. 92: A bill to be entitled an act for the improvement and reclamation of certain swamp lands in New Hanover and other counties.

The bill was read the second time. The amendments proposed by the Committee on Education, to whom the bill was referred, were adopted.

Mr. French moved to amend by inserting after the words "Brown Marshes," in the 3d line of section 5, the words "Big Swamp," and after the words "Brown Marshes," in the 5th line in the said section, the words "Big Swamp." The amendment prevailed.

Mr. Bell moved to amend by striking out section 4, and by adding the following sections:

"SEC. --. That the said New River Canal Company shall permit at all necessary points the cutting of small ditches into their main trunk line canal or branches from any section or division of land owned by the State.

SEC. —. That this act shall be in force from and after its ratification."

The amendment prevailed.

The bill was then referred to the Committee on Judiciary, on motion of Mr. French.

S. B. No. 13: A bill to be entitled an act to establish a legal rate of interest, and to prevent usury. The bill was read the second time.

The question recurred upon the adoption of the substitute proposed by the Committee on Banks and Currency.

Mr. Morehead moved to amend the substitute by adding thereto, "Any contract made in violation of said chapter shall be void."

Pending the consideration of this amendment, Mr. Busbee moved to postpone the further consideration of the bill, and make it the special order for to-morrow at 11:30 A. M.

Mr. Bell moved to amend that motion by striking out "11:30 A. M. to-morrow," and inserting " 7:30 P. M. to-day."

The motion to strike out and insert prevailed, and the bill was made the special order for to-night at 7:30 o'clock.

The following named resolution, reported as correctly engrossed by the Committee on Engrossed Bills, was transmitted to the House of Representatives for concurrence:

S. R. No. 466: Resolution to allow Joint Committee on Railroads to employ clerical assistance.

The following bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

Resolution concerning Constitution.

An act to protect magistrates and other persons.

An act to allow the commissioners of Gaston county to levy a special tax.

Mr. Sneed moved that the Senate do now adjourn until 11 A. M. to-morrow.

Mr. Bell moved to amend that motion by striking out " 11 A. M. to-morrow " and inserting " 7½ P. M. to-day."

The yeas and nays being ordered on demand, the motion to strike out and insert prevailed. Yeas 26, nays 22.

*Affirmative*—Mr. President, Messrs. Albright, Bell, Boddie, Clement, C. M. Cooke, French, Hargrave, Irwin, Kerr, Latham, LeGrand, Linney, McCauley McMillan, Morehead, Pegram, Selby, Shaw, Smith, Standford, Stickney, Waddell, Waring, Williamson and Worthy—26.

*Negative*—Messrs. Anderson, Bryan, Busbee, Cantwell, Cashwell, N. S. Cook, Graham, Holton, Jenkins, Jernigan, Mabson, Marler, McElroy, Parish, Paschall, Peebles, Sneed, Sugg, Taylor, Tucker, Walker and Young—22.

The question then recurring on the motion to adjourn, as amended, the yeas and nays were ordered, on demand, and the motion prevailed. Yeas 24, nays 21.

*Affirmative*—Messrs. Albright, Bell, Boddie, Clement,

French, Hargrave, Holton, Irwin, Latham, LeGrand, Linney, Marler, McCauley, McMillan, Morehead, Pegram, Selby, Shaw, Smith, Standford, Stickney, Waddell, Williamson and Worthy —24.

*Negative*—Messrs. Anderson, Bryan, Busbee, Cantwell, Cashwell, C. M. Cooke, N. S. Cook, Graham, Jenkins, Jernigan, Kerr, Mabson, McElroy, Parish, Paschall, Sneed, Sugg, Taylor, Tucker, Walker and Young—21.

The Senate then stood adjourned until 7:30 P. M. to-day.

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## EVENING SESSION.

SENATE CHAMBER, January 29th, 1875.

The Senate met pursuant to adjournment at 7:30 P. M.

On motion, the roll was called, and the following Senators responded:

Mr. President, Messrs. Albright, Bell, Boddie, Cantwell, Cashwell, Clement, C. M. Cooke, French, Hargrave, Holton, Irwin, Jenkins, Jernigan, Kerr, Latham, LeGrand, Linney, Mabson, Marler, McElroy, McMillan, Shaw, Smith, Sneed, Standford, Stickney, Sugg, Taylor, Tucker, Waddell, Walker, Waring, Williamson, Worthy and Young—36.

The Chair (Mr. Linney) announced that the hour had arrived for the special order, to-wit:

S. B. No. 13: A bill to be entitled an act to establish a legal rate of interest and to prevent usury.

Mr. LeGrand moved that its further consideration be postponed and made the special order for to-morrow at 11½ A. M. The motion prevailed.

Mr. Standford moved that the Senate do now adjourn.

The yeas and nays being ordered, on demand, the Senate refused to adjourn. Yeas 8, nays 25.

*Affirmative*—Messrs. Cantwell, Jernigan, Latham, McElroy, Smith, Standford, Tucker and Young—8.

*Negative*—Messrs. Albright, Bell, Boddie, Cashwell, Clement, French, Hargrave, Holton, Jenkins, Kerr, LeGrand, Linney, Marler, McCauley, McMillan, Shaw, Sneed, Stickney, Sugg, Taylor, Waddell, Walker, Waring, Williamson and Worthy—25.

Mr. Stickney moved that S. B. No. 483: A bill to be entitled an act for the establishment of a free ferry across Pamlico river, opposite the town of Washington, be taken from the hands of the Committee on Propositions and Grievances and referred to the Committee on Judiciary. The motion prevailed, and the bill was so referred.

A message from his Excellency, Gov. Brogden, was received, read and ordered to be printed.

Mr. McElroy moved that the Senate do now adjourn.

The yeas and nays being ordered, on demand, the Senate refused to adjourn. Yeas 6, nays 31.

*Affirmative*—Messrs. Cantwell, Mabson, McElroy, Taylor, Tucker and Young—6.

*Negative*—Messrs. Albright, Bell, Boddie, Cashwell, Clement, C. M. Cooke, N. S. Cook, French, Hargrave, Holton, Irwin, Jenkins, Kerr, Latham, LeGrand, Linney, Marler, McCauley, McMilan, Paschall, Selby, Shaw, Smith, Standford, Stickney, Sugg, Waddell, Walker, Waring, Williamson and Worthy—31.

Mr. Tucker moved that the Senate take a recess for five minutes. The motion did not prevail.

Resolutions on second reading were acted upon as follows:

S. R. No. 171: Resolution in favor of W. W. Holden.

Mr. Kerr moved to indefinitely postpone the resolution.

The yeas and nays being ordered, on demand by Mr. Cantwell, the motion to indefinitely postpone prevailed. Yeas 31, nays 9.

*Affirmative*—Messrs. Albright, Anderson, Bell, Boddie, Clement. C. M. Cooke, French, Graham, Hargrave, Irwin,

Jenkins, Kerr, Latham, LeGrand, Linney, Marler, McCauley, McElroy, McMillan, Parish, Pegram, Shaw, Smith, Standford, Stickney, Sugg, Waddell, Waring, Williamson, Worthy and Young—31.

*Negative*—Messrs. Cantwell, Cashwell, N. S. Cook, Mabson, Paschall, Sneed, Taylor, Tucker and Walker—9.

S. R. 279: Resolution in favor of convicts at the Penitentiary.

The amendment proposed by the Committee on Penal Institutions was adopted.

The resolution was then read and passed the second time.

S. R. No. 386: Resolution in favor of David J. Moore and others, disabled soldiers. The resolution was read the second time.

Mr. Jenkins moved that the resolution be indefinitely postponed.

The yeas and nays being ordered, on demand of Mr. Cantwell, the motion to indefinitely postpone prevailed. Yeas 29, nays 5.

*Affirmative*—Messrs. Albright, Bell, Boddie, Cashwell, Clement, French, Graham, Hargrave, Holton, Irwin, Jenkins, Kerr, Latham, Linney, Marler, McCauley, McElroy, McMillan, Pegram, Shaw, Smith, Standford, Stickney, Sugg, Taylor, Waddell, Walker, Williamson, Worthy and Young—29.

*Negative*—Messrs. Bryan, Cantwell, N. S. Cook, Mabson and Paschall—5.

S. R. No. 336, H. R. No. 77: Resolution concerning educational interests in Cherokee. The resolution was read and passed the second time.

The rules were suspended, and the resolution read and passed the third time, the yeas and nays being dispensed with by consent.

A message was received from the House of Representatives transmitting House amendments to S. B. No. 467, H. B. No. 428: A bill to be entitled an act to change the dividing line

between the counties of Granville and Franklin. The amendments were concurred in.

The following named bills and resolutions were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows:

By message from the House of Representatives, H. B. No. 423: A bill to be entitled an act to amend section 15, chapter 156, laws of 1868–'69, as brought forward in Battle's Revisal, chapter 64, section 15. To the Committee on Judiciary.

H. B. No. 269: A bill to be entitled an act authorizing the city of Greensboro to issue bonds. To the Committee on Propositions and Grievances.

By Mr. Holton: Resolution concerning the recording of the time of adjournments, and motions for adjournments.

Pending the consideration of this resolution, Mr. Williamson moved that the Senate do now adjourn.

The yeas and nays being ordered, on demand by Mr. Cantwell, the motion to adjourn prevailed. Yeas 19, nays 16:

*Affirmative*—Messrs. Bryan, Cantwell, Cashwell, Hargrave, Irwin, Kerr, Linney, Mabson, Marler, McCauley, McElroy, McMillan, Paschall, Standford, Taylor, Tucker, Waddell, Williamson and Young—19.

*Negative*—Messrs. Albright, Bell, Boddie, Clement, N. S. Cook, French, Holton, Jenkins, Latham, Pegram, Shaw, Smith, Stickney, Sugg, Walker and Worthy—16.

The Senate then stood adjourned until 11 A. M. to-morrow.

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## FORTY-SECOND DAY.

SENATE CHAMBER, January 30th, 1875.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

Messrs. Anderson, Graham, Parish and Waring were per-

mitted to record their votes in the affirmative on the vote by which S. R. No. 171: Resolution for the relief of W. W. Holden, was indefinitely postponed on yesterday; and leave was granted Mr. Sneed to record his vote in the negative on the same vote.

Mr. Mabson was permitted to change his vote from the negative to the affirmative on the vote by which the Senate adjourned last night.

Leave of absence was granted Mr. Jernigan until February 8th.

Leave of absence was granted Messrs. Waddell and Peebles until Tuesday.

Petitions and memorials were presented and acted upon, as follows:

By Mr. Graham: Petition to amend chapter 44, private laws 1873–'74. Referred to the Committee on Judiciary.

By Mr. Bell: Petition against the passage of the bill entitled "a bill for the benefit of small farmers." Ordered to be filed with the bill.

By Mr. Busbee: Petition from John A. Bagwell. To the Committee on Claims.

By Mr. Waring: Petition from Cleaveland. To the Committee on Judiciary.

Reports from Standing Committees were submitted, as follows:

From Committee on Judiciary:

By Mr. Morehead, H. B. No. 420, S. B. No. 477: A bill to be entitled an act to define the rights of counsel, with a recommendation that it do pass.

By Mr. Latham, S. B. No. 426: A bill to be entitled an act to repeal so much of section 1, chapter 171, laws of 1872–'73, as relates to Pollocksville, Jones county, with a recommendation that it do pass.

By Mr. McElroy, S. B. No. 314: A bill to be entitled an act to repeal an act incorporating the Beneficial Association, with a recommendation that it do pass.

By Mr. Graham, S. B. No. 478, H. B. No. 197: A bill to be entitled an act to give compensation to sheriffs for bringing convicts to the State Prison, with accompanying amendments

From Committee on Corporations:

By Mr. Busbee, S. B. No. 453: A bill to be entitled an act to incorporate the town of Shelby, Cleaveland county, with accompanying amendments.

From Committee on Claims:

By Mr. Williamson, S. R. No. 363: Resolution in favor of A. D. Young, of Wilmington, with a recommendation that it do not pass.

From Committee on Judiciary:

By Mr. Hargrave, S. B. No. 455: A bill to be entitled an act to reimburse the several counties for the maintenance of idiots, with a recommendation that it do not pass.

From Select Committee on Affairs of Roanoke Navigation Company:

By Mr. Peebles, S. R. No. 139: Resolution of instruction to Judiciary Committee, with a bill entitled "an act for the dissolution of the Roanoke Navigation Company," with a recommendation that the bill do pass.

Bills were acted upon, under a suspension of the rules, as follows:

H. B. No. 309, S. B. 413: A bill to be entitled an act to amend chapter 102, public laws of 1873–'74, concerning Clark's creek and Maiden creek, in the counties of Lincoln and Catawba.

The bill was read and passed the second and third times, the yeas and nays being dispensed with by consent.

S. B. No. 393: A bill to be entitled an act to change the time of holding the Superior Court of Hyde and Dare.

The bill was read and passed the second and third times, the yeas and nays being dispensed with by consent.

S. B. No. 482: A bill to be entitled an act to provide for the employment of convicts in the penitentiary, and for other purposes.

The bill was taken from the possession of the Committee on Penal Institutions and ordered to be printed.

Mr. Marler offered the following:

"*Resolved*, That two Senators be added to the Senate branch of the Joint Committee on Penal Institutions."

The rules were suspended, on motion of Mr. Marler, and the resolution adopted.

The Chair designated Messrs. Waddell and Boddie as the additional members of the said committee.

Mr. Williamson offered a resolution, adding Rule 50 to the Rules of the Senate, requiring more and longer sessions of the Senate.

Mr. Hargrave proposed to amend by rescinding the resolution requiring night sessions, and hold afternoon sessions.

On motion, the rules were suspended, and the Senate proceeded to the consideration of the resolution.

Mr. Standford moved to lay the Resolution upon the table.

The yeas and nays being ordered on demand, of Mr. Latham, the motion to table prevailed. Yeas 26, nays 17:

*Affirmative*—Messrs. Bell, Bryan, Busbee, Cashwell, Clement, Graham, Irwin, Jenkins, Jernigan, Kerr, Linney, Mabson, McMillan, Mills, Parish, Peebles, Pegram, Shaw, Smith, Standford, Taylor, Tucker, Waddell, Walker, Worthy and Young—26.

*Negative*—Messrs. Albright, Anderson, Boddie, French, Hargrave, Holton, Latham, LeGrand, Marler, McElroy, Morehead, Selby, Sneed, Stickney, Sugg, Waring and Williamson —17.

Mr. Standford introduced a bill to be entitled an act to amend chapter 70, laws of 1873-'74. The bill was read and passed the first time, and was referred to the Committee on Judiciary.

The special order for to-day, to-wit:

S. B. No. 13: A bill to be entitled an act to establish a legal rate of interest and to punish usury, was acted upon as follows:

The question recurred upon the adoption of the minority report of the Committee on Banks and Currency.

Pending its consideration, Mr. Morehead moved that the further consideration of the bill be postponed, and made the special order for Monday, February 1st, at 11:30 A. M. The motion prevailed.

The following named bills, amendments and resolutions, reported as correctly engrossed by the Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence:

S. B. No. 393: A bill to be entitled an act to change the time of holding the Superior Courts of Hyde and Dare;

S. R. No. 472: Resolution authorizing the Joint Select Committee to examine the coupons in Treasurer's office, to cancel, burn or destroy said bonds;

S. B. No. 450: A bill to be entitled an act to prevent obstructions to the passage of fish up Albemarle sound and the rivers emptying into it;

S. B. No. 420: A bill to be entitled an act to revive and continue in force an act appointing trustees for the Haywood Academy, in Chatham county;

S. B. No. 194: A bill to be entitled an act to appoint public guardians;

S. B. No. 389: A bill to be entitled an act to allow a mortgage deposit in the courts of the State;

S. B. No. 143: A bill to be entitled an act to incorporate the Yadkin River and Wilkesboro' Navigation Company;

S. B. No. 441: A bill to be entitled an act to amend the charter of the city of Wilmington.

The Senate then adjourned until 11 A. M., Monday.

## FORTY-THIRD DAY.

SENATE CHAMBER, February 1st, 1875.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Atkinson.

The Journal of Saturday was read.

Leave of absence was granted Mr. Bell until Wednesday.

Petitions and memorials were presented as follows, to-wit:

By Mr. Love: Petition from L. M. Medlin, N. M. E. Slaughter and others, citizens of Graham county, in relation to the blind and lunatic children of Nathan Crisp, of said county. Referred to the Committee on the Deaf, Dumb and the Blind Asylum.

By Mr. Boddie: Petition of members of the Baptist church of the Fall of Tar river, Nash county, asking a repeal of the prohibitory liquor law. To the Committee on Propositions and Grievances.

By Mr. McCauley: Petition asking an act to prohibit the sale of intoxicating liquors within two miles of Beaver Dam depot, in Union county. To the Committe on Propositions and Grievances.

By Mr. Mills: Petition from the president and directors of the Chester and Lenoir Railroad Company. Ordered to be filed with S. B. No. 90.

Reports from Standing Committees were submitted as follows:

From Committee on Insurance:

By Mr. Shaw, S. B. No. 460, H. B. No. 394: A bill to be entitled an act to incorporate the Pamlico Insurance and Banking Company, with the recommendation that it do pass.

From the Committee on Banks and Currency:

By Mr. Kerr, S. B. No. 473: A bill to be entitled an act to incorporate the Bank of Gaston county, with accompanying amendment.

From the Committee on Judiciary:

By Mr. Linnney, S. B. No. 357: A bill to be entitled an act to require all municipal corporations to publish yearly a statement of their finances, with a recommendation that it do pass.

From the Joint Select Committee on Public Debt:

By Mr. Waring, S. B. No. 135: A bill to be entitled an act to compromise, commute and settle the State debt, with accompanying amendments. Ordered to be printed.

The special order for to-day, to wit, S. B. No. 13: A bill to be entitled an act to establish a legal rate of interest and to prevent usury, was acted upon as follows:

The question recurred on the adoption of the substitute proposed by the minority of the Committee on Banks and Currency.

Pending its consideration, Mr. Linney moved that its further consideration be postponed, and made the special order for to-morrow at 12 o'clock. The motion prevailed.

The following named bills and resolutions were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows:

By Mr. McCauley: A bill to be entitled an act to repeal sections 50, 51 and 52, chapter 63, Battle's Revisal, entitled "Justices and their Jurisdiction." To the Committee on Judiciary.

A bill to be entitled an act to prohibit the sale of intoxicating liquors within two miles of Beaver Dam Depot, in Union county. To the Committee on Propositions and Grievances.

By Mr. Shaw: A bill to be entitled an act to transfer and set over all the stock held by the State in the Albemarle and Chesapeake Canal Company. To the Committee on Judiciary.

By Mr. Graham: A bill to be entitled an act to incorporate the North Carolina State Grange, Patrons of Husbandry. To the Committee on Agriculture, Mechanics and Mining.

By message from the House of Representatives, H. B. No. 188: A bill to be entitled an act in favor of the contractors and

employees of the Marion and Asheville Turnpike. To the Committee on Claims.

H. B. No. 440: A bill to be entitled an act to relieve the counties of the State from the payment of the costs and expenses of criminal prosecutions. To the Committee on Judiciary.

H. B. No. 196: A bill to be entitled an act to amend section 5, chapter 138, laws of 1873–'74. To the Committee on Propositions and Grievances.

H. R. No. 125: Resolution of instruction to our Senators and Representatives in Congress. Placed on the calendar.

H. B. No. 201: A bill to be entitled an act to amend section 150, chapter 32, Battle's Revisal. To the Committee on Judiciary.

H. R. No. 113: Resolution in favor of Nat. Atkinson, of Buncombe county. Placed on the calendar.

H. R. No. 126: Joint resolution as to vacant lot in the city of Raleigh, belonging to the State. Placed on the calendar.

H. R. No. 118: Resolution to pay principal clerks for preparing printed calendar. Placed on the calendar.

H. B. No. 186: A bill to be entitled an act to amend chapter 137, of the laws of 1873–'74. To the Committee on Propositions and Grievances.

H. R. No. 114: Joint resolution requesting Joint Committee on Public Debt to ascertain at what price the construction railroad bonds issued by the State, can be foreclosed or taken up, &c. Placed on the calendar.

Bills were acted upon, under a suspension of the rules, as follows:

S. B. No. 460: A bill to be entitled an act to incorporate the Pamlico Insurance and Banking Company.

The bill was read and passed second and third times, the yeas and nays being dispensed with by consent.

S. B. No. 473: A bill to be entitled an act to incorporate the Bank of Gaton county. The bill was read the second time.

The amendments proposed by the Committe on Banks and Currency prevailed, and the bill passed the second time.

The bill was read and passed the third time, the yeas and nays being dispensed with by consent.

S. B. No. 374: A bill to be entitled an act to incorporate the Cleaveland Savings Bank.

The bill was read and passed second and third times, the yeas and nays being dispensed with by consent.

S. B. No. 469: A bill to be entitled an act to amend section 3, chapter 80, of Battle's Revisal. The bill was read and passed the second time.

Mr. Linney moved that the further consideration of the bill be postponed and made the special order for Thursday, at 12 M.

Pending the consideration of this motion, Mr. Latham called the previous question.

The call was not sustained. The motion to postpone and make the special order prevailed.

S. B. No. 217: A bill to be entitled an act to amend chapter 137, section 1, of laws of 1873–'74.

The bill was read and passed second and third times, the yeas and nays being dispensed with by consent.

Senate bills Nos. 233 and 287: Bills to protect the birds of North Carolina.

On motion of Mr. Hargrave, the bills were made the special order for Thursday, the 4th instant, at 12:30 P. M.

Mr. Kerr moved that the resolution requiring night sessions three times a week, be rescinded.

Upon this motion, Mr. Latham called for the yeas and nays.

Mr. Albright then moved that the Senate do now adjourn. The motion to adjourn prevailed.

And the Senate thereupon stood adjourned until 7:30 P. M. to-day.

## EVENING SESSION.

SENATE CHAMBER, February 1st, 1875.

The Senate met at 7:30 P. M., pursuant to adjournment.

Bills upon second reading were acted upon as follows:

S. B. No. 278: A bill to be entitled an act to authorize the trustees of Pasquotank county to build public school houses in certain districts. The bill was read and passed the second time.

S. B. No. 390: A bill to be entitled an act to incorporate the Southern Underwriter's Association. The bill was read. The amendments proposed by the Committee on Corporations prevailed, and the bill passed the second time.

H. B. No. 159, S. B. No. 199: A bill to be entitled an act to incorporate Pleasant Grove Camp Ground, in the county of Union. The bill was read and passed the second time.

H. B. No. 126, S. B. No. 198: A bill to be entitled an act to incorporate Olive Branch church, in the county of Union. The bill was read and passed the second time.

H. B. No. 142, S. B. No. 222: A bill to be entitled an act providing for the decrees in suits in equity rendered prior to a certain act of 1806. The bill was read and passed the second time.

H. B. No. 125, S. B. No. 239: A bill to be entitled an act to incorporate Furgerson Camp Ground of the Methodist Church, South, in the county of Haywood. The bill was read and passed the second time.

H. B. No. 198, S. B. No. 240: A bill to be entitled an act to amend an act to prohibit the sale of spirituous liquors in certain localities. The bill was read and passed the second time.

S. B. No. 247: A bill to be entitled an act to amend section 40, chapter 104, of Battle's Revisal. The bill was read and passed the second time.

S. B. No. 31: A bill to be entitled an act to provide for

building common school houses. The bill was read the second time and laid upon the table.

S. B. No. 276: A bill to be entitled an act to amend section 53, chapter 33, of Battle's Revisal. The bill was read the second time and laid upon the table.

S. B. No. 232: A bill to be entitled an act to punish incest. The bill was read the second time and laid upon the table.

H. B. No. 166, S. B. No. 229: A bill to be entitled an act to amend section 31, sub-division 2, chapter 3, title 4, Code of Civil Procedure, brought forward in Battle's Revisal, chapter 17. The bill was read the second time and laid upon the table.

H. B. No. 134, S. B. No. 228: A bill to be entitled an act to amend section 27, chapter 32, of Battle's Revisal. The bill was read the second time and laid upon the table.

S. B. No. 218: A bill to be entitled an act to re-enact chapter 41, section 4, laws of 1858–'59. The bill was read the second time and laid upon the table.

S. B. No. 244: A bill to be entitled an act to extend the mechanics' and laborer's lien. The bill was read second time.

The amendment proposed by the Committee on Propositions and Grievances prevailed. The bill was then passed the second time.

S. B. No. 178: A bill to be entitled an act to authorize working of convicts at other places than the Penitentiary.

On motion of Mr. Graham, the bill was indefinitely postponed.

S. B. No. 210: A bill to be entitled an act for the government of the Department for the colored pupils of the Institution for the Deaf and Dumb and the Blind.

The bill was re-committed to the Committee on the Deaf and Dumb and Blind Asylum.

S. B. No. 4: A bill to be entitled an act to amend sections 20 and 28, of the public school law of North Carolina for 1873–'74. The bill was read the second time.

The amendment proposed by the Committee on Education prevailed.

Mr. Mabson moved to postpone the further consideration of the bill until 12:30 P. M. Friday. The motion did not prevail.

The bill passed the second time.

H. B. No. 174, S. B. No. 227: A bill to be entitled an act to change the times of holding certain courts in the Eleventh District.

The bill was postponed and made the special order for Thursday at 1 o'clock P. M.

Bills were acted upon, under a suspension of the rules, as follows:

S. B. No. 347: A bill to be entitled an act to amend an act entitled an act to incorporate the town of Rocky Mount, in the county of Edgecombe.

The bill was read and passed second and third times, the yeas and nays being dispensed with by consent.

S. B. No. 221: A bill to be entitled an act to repeal chapter 79, laws of 1871–'72.

The bill was read and passed the second time, the yeas and nays being dispensed with by consent.

S. B. No. 237: A bill to be entitled an act to amend chapter 5, Battle's Revisal, so as to prevent white children being bound apprentices to colored masters. The bill was read the second time.

The amendment proposed by the Committee on Judiciary prevailed.

Mr. Tucker moved to amend by adding that "no colored child shall be bound to a white person."

The yeas and nays being ordered, on demand, the amendment was rejected. Yeas 5, nays 33.

*Affirmative*—Messrs. LeGrand, Mabson, McCauley, Paschall and Tucker—5.

*Negative*—Messrs. Albright, Anderson, Boddie, Busbee, C. M. Cooke, N. S. Cook, Graham, Hargrave, Holton, Irwin,

Jenkins, Kerr, Latham, Linney, Marler, McElroy, McMillan, Mills, Morehead, Parish, Pegram, Selby, Shaw, Smith, Sneed, Standford, Stickney, Sugg, Taylor, Waring, Williamson, Worthy and Young—33.

The bill was read the third time. The yeas and nays being ordered on demand, the bill as amended, passed the third time. Yeas 36, nays 3.

*Affirmative*—Messrs. Albright, Anderson, Boddie, Busbee, Clement, C. M. Cooke, N. S. Cook, Graham, Hargrave, Holton, Irwin, Jenkins, Kerr, Latham, LeGrand, Linney, Marler, McCauley, McElroy, McMillan, Mills, Morehead, Parish, Pegram, Selby, Shaw, Smith, Sneed, Standford, Stickney, Sugg, Taylor, Waring, Williamson, Worthy and Young—36.

*Negative*—Messrs. Mabson, Paschall and Tucker—3.

S. B. No. 238: A bill to be entitled an act to amend an act passed at the session of 1873–'74.

The bill was read and passed the second and third times, the yeas and nays being dispensed with by consent.

S. B. No. 382: A bill to be entitled an act to incorporate the Oak City Building and Loan Association of Raleigh, North Carolina. The bill was read the second time.

The amendment proposed by the Committee on Corporations prevailed. The bill passed the second time.

The bill was then read and passed third time, the yeas and nays being dispensed with by consent.

S. B. No. 397, H. B. No. 29: A bill to be entitled an act to amend the charter of the town of Lincolnton. The bill was read the second time.

The amendment proposed by the committee prevailed. The bill passed the second time.

The bill was then read and passed the third time, the yeas and nays being dispensed with by consent.

H. B. No. 251, S. B. No. 465: A bill to be entitled an act to authorize the board of county commissioners of Rowan county to subscribe to the capital stock of the Yadkin Railroad

Company. The bill was read and passed the second time. Yeas 35, nays none.

*Affirmative*—Messrs. Albright, Anderson, Boddie, Busbee, Clement, C. M. Cooke, N. S. Cook, French, Graham, Hargrave, Holton, Irwin, Jenkins, Jernigan, Kerr, Latham, LeGrand, Linney, Marler, McCauley, McElroy, McMillan, Parish, Paschall, Pegram, Selby, Shaw, Smith, Sneed, Standford, Stickney, Sugg, Tucker, Waddell, Walker, Waring, Worthy and Young—35.

*Negative*—None.

S. B. No. 481: A bill to be entitled an act to provide for additional terms of the Superior Courts of Northampton and Halifax counties.

The bill was read and passed the second and third times, the yeas and nays being dispensed with by consent.

S. B. No. 315: A bill to be entitled an act for the building and repairing of school houses in Craven county.

The bill was read the second time; and

On motion by Mr. Marler, was re-committed to the Committee on Education.

S. B. No. 373: A bill to be entitled an act to provide for the furnishing the State Library of the Supreme Court with additional copies of the acts of Assembly and Reports of their decisions.

The bill was read and passed second and third times, the yeas and nays being dispensed with by consent.

S. B. No. 442: A bill to be entitled an act to incorporate the town of Albemarle, in the county of Stanly. The bill was read second time.

The amendment proposed by the Committee on Corporations prevailed.

The bill passed the second time.

The bill was then read and passed third time, the yeas and nays being dispensed with by consent.

A bill upon its third reading was acted upon as follows:

H. B. No. 43, S. B. No. 166: A bill to be entitled an act to

repeal an act passed at the session of 1872–'73. The bill was read the third time.

Mr. McElroy moved to amend by adding:

"*Provided*, Said gate shall not be placed within four miles of Smith's bridge, on the French Broad river."

The amendment prevailed.

The amendment, in the nature of a substitute, proposed by Mr. Taylor, was then read.

Mr. McElroy moved to amend the substitute by inserting after the counties Haywood, "All the toll-gates in Jackson, Macon, Cherokee and Henderson." The amendment was rejected.

Mr. McElroy moved to lay the bill on the table. The motion did not prevail, and the substitute was adopted.

The bill then passed the third time, the yeas and nays being dispensed with by consent.

Mr. Linney moved that the Senate do now adjourn.

The yeas and nays being ordered, on demand, the motion prevailed. Yeas 24, nays 10.

*Affirmative*—Messrs. Albright, Boddie, Clement, C. M. Cooke, Hargrave, Irwin, Jenkins, Kerr, Linney, Mabson, Marler, McCauley, McMillan, Parish, Paschall, Shaw, Smith, Standford, Stickney, Sugg, Taylor, Tucker, Williamson and Worthy —24.

*Negative*—Messrs. Anderson, Busbee, Graham, Latham, LeGrand, McElroy, Pegram, Sneed, Waring and Young—10.

The Senate then stood adjourned until 11 A. M. to-morrow.

## FORTY-FOURTH DAY.

SENATE CHAMBER, February 2nd, 1875.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Marshall.

The Journal of yesterday was read.

Petitions were presented as follows:

By Mr. Stickney: Petition from certain citizens of the county of Pitt and other counties, relative to regulation of fishing in Neuse river. Referred to the Committee on Propositions and Grievances.

Petition from Annie C. Franks, of Trenton, relative to liquor law. Ordered to be filed with the bill therein alluded to.

By Mr. C. M. Cooke: Petition from the officers and members of Tar River Lodge, No. 57, Independent Order of Good Templars, relative to a liquor law. To the Committee on Propositions and Grievances.

A response was received from the Attorney General of North Carolina, relative to the constitutionality of the proposed license tax on dogs. Filed with the bill.

Reports from Standing Committees were submitted as follows:

From Committee on Propositions and Grievances:

By Mr. Latham, S. B. 474: A bill to be entitled an act for the relief of the sureties of the late sheriff of Halifax county, with a recommendation that it do pass.

H. B. No. 196, S. B. No. 498: A bill to be entitled an act to amend section 5, chapter 138, laws of 1873–'74, with a recommendation that it do pass.

S. R. No. 480: Resolution in favor of asking Congress to remove the tariff off of tobacco, with a request that the committee be discharged from the further consideration of the resolution. The committee was discharged from its further consideration.

H. B. No. 260, S. B. No. 462: A bill to be entitled an act for the relief of the sureties of John L. Harris, late sheriff of Person county, with a recommendation that it do pass.

From Committee on Internal Improvements:

By Mr. Waring, H. B. No. 98, S. B. No. 162: A bill to be entitled an act authorizing the making a turnpike road in Haywood county, with accompanying amendments.

S. B. No. 471: A bill to be entitled an act to incorporate the "Wilmington, Raleigh and Danville Railroad," with accompanying amendments.

The following named bills were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows:

By Mr. C. M. Cooke: A bill to be entitled an act to prohibit the sale of spirituous liquors within three miles of Poplar Spring church, in the county of Franklin. To the Committee on Propositions and Grievances.

By Mr. Mills: A bill to be entitled an act to amend section 16, chapter 90, Battle's Revisal. To the Committee on Judiciary.

By Mr. Graham: A bill to be entitled an act to incorporate "Direct Trade Union, Patrons of Husbandry." To the Committee on Corporations.

By Mr. Shaw: A bill to be entitled an act to prevent the obstruction of fish in Newbegun creek, Pasquotank county. To the Committee on Propositions and Grievances.

By Mr. Latham: A bill to be entitled an act to amend chapter 27, sections 11, 12, 13, 19, 22 and 29, of Battle's Revisal. To the Committee on Judiciary.

By Mr. Waring: A bill to be entitled an act to prohibit tenants and croppers selling any quantities less than one bale, except upon the written consent of the landlord or land owner. To the Committee on Judiciary.

By Mr. Mabson: A bill to be entitled an act to better compensate commissioners. To the Committee on Propositions and Grievances.

A bill to be entitled an act to protect insane not provided for in the State Institution. To the Committee on Insane Asylum.

The following named resolutions were introduced, read and disposed of, as follows :

By Mr. Love: Resolutions asking the Congress of the United States to extend aid to the Western North Carolina Railroad, and Texas or Southern Pacific Railroad ; and to establish a national gnage of 4 feet 8½ inches. Read and referred to the Committee on Internal Improvement ; and ordered to be printed.

By Mr. Mabson : Resolution concerning adjournment. Laid over under the rules.

Resolution in regard to per diem for Principal and Reading Clerks. Laid over under the rules.

By Mr. Love: Resolution concerning Andrew Johnson.

The rules were suspended, and the resolution read.

Pending its consideration, Mr. LeGrand moved to lay the resolution upon the table.

The yeas and nays being ordered, on demand, the motion to table prevailed. Yeays 35, nays 5.

*Affirmative*—Messrs. Albright, Anderson, Boddie, Bryan, Cashwell, Clement, C. M. Cooke, N. S. Cook, Graham, Hargrave, Holton, Irwin, Jenkins, Kerr, Latham, LeGrand, Mabson, Marler, McElroy, McMillan, Mills, Parish, Paschall, Pegram, Selby, Shaw, Smith, Sneed, Standford, Stickney, Sugg, Tucker, Walker, Worthy and Young—35.

*Negative*—Messrs. Busbee, Linney, Love, Taylor and Waring—5.

Bills on third reading were acted upon, as follows :

H. B. No. 198, S. B. No. 240 : A bill to be entitled an act to amend "an act to prohibit the sale of spirituous liquors in certain localities."

The bill was read and passed the third time, the yeas and nays being dispensed with by consent.

S. B. No. 247: A bill to be entitled an act to amend section 40, chapter 104, Battle's Revisal.

The bill was read and passed the third time, the yeas and nays being dispensed with by consent.

H. B. No. 125, S. B. No. 239: A bill to be entitled an act to incorporate Furgerson Camp Ground of the M. E. Church, South, in the county of Haywood.

The bill was read and passed the third time, the yeas and nays being dispensed with by consent.

H. B. No. 142, S. B. No. 222: A bill to be entitled an act providing for the decrees in suits in equity rendered prior to a certain act of 1806.

The bill was read and passed the third time, the yeas and nays being dispensed with by consent.

H. B. No. 159, S. B. No. 199: A bill to be entitled an act to incorporate Pleasant Grove Camp Ground, in the county of Union.

The bill was read and passed the third time, the yeas and nays being dispensed with by consent.

H. B. No. 126, S. B. No. 198: A bill to be entitled an act to incorporate Olive Branch church, in the county of Union.

The bill was read and passed the third time, the yeas and nays being dispensed with by consent.

S. B. No. 4: A bill to be entitled an act to amend sections 20 and 28, of the public school law of North Carolina for 1873–'74.

The bill was read the third time, and, on motion of Mr. Latham, was indefinitely postponed.

S. B. No. 135: A bill to be entitled an act to compromise and settle the public debt of the State. The bill was made the special order for Tuesday next, February 9th, at 12 M.

S. B. No. 173: A bill to be entitled an act to amend chapter 17, section 31, clause 2, of Battle's Revisal. The bill was read the third time.

The amendment, in the nature of a substitute, proposed by the Committee on Judiciary prevailed, and the bill passed the third time, the yeas and nays being dispensed with by consent.

S. B. No. 278: A bill to be entitled an act to authorize the

trustees of Pasquotank county to build public school houses in certain districts. The bill was read the third time.

The yeas and nays being ordered, on demand, the bill was rejected. Yeas 13, nays 28.

*Affirmative*—Messrs. Bryan, Busbee, Graham, Latham, LeGrand, Mabson, Paschall, Shaw, Sneed, Standford, Taylor, Tucker and Walker—13.

*Negative*—Messrs. Albright, Anderson, Boddie, Cashwell, Clement, C. M. Cooke, N. S. Cook, Hargrave, Holton, Irwin, Jenkins, Kerr, Linney, Love, Marler, McCauley, McElroy, McMillan, Mills, Parish, Selby, Smith, Stickney, Sugg, Waring, Williamson, Worthy and Young—28.

S. B. No. 465, H. B. No. 251 : A bill to be entitled an act to authorize the board of county commissioners of Rowan county to subscribe to the capital stock of the Yadkin Railroad Company. The bill was read and passed the third time. Yeas 37, nays none.

*Affirmative*—Messrs. Albright, Anderson, Boddie, Bryan, Busbee, Cashwell, Clement, C. M. Cooke, N. S. Cook, Graham, Hargrave, Holton, Irwin, Jenkins, Kerr, Latham, LeGrand, Linney, Love, Mabson, Marler, McCauley, McElroy, McMillan, Parish, Paschall, Pegram, Selby, Shaw, Standford, Stickney, Sugg, Taylor, Walker, Williamson, Worthy and Young—37.

*Negative*—None.

Bills on second reading were acted upon, as follows :

S. B. No. 286, H. B. No. 122 : A bill to be entitled an act to provide for the release of insolvent defendants in criminal actions. The bill was read the second time.

And, on motion of Mr. Latham, was indefinitely postponed.

S. B. No. 284, H. B. No. 117 : A bill to be entitled an act to amend chapter 38, as brought forward in Battle's Revisal. The bill was read the second time.

Mr. Tucker proposed to amend by adding :

"*Provided*, This act shall not apply to the county of Craven."

The amendment did not prevail.

Mr. Mabson offered an amendment providing "that this act does not apply to Edgecombe county." The amendment was rejected.

Mr. Tucker then moved that the bill be laid upon the table. The motion did not prevail.

Mr. Sneed then moved to amend by striking out "all from and after the word dogs."

Pending the consideration of this amendment, Mr. Latham called the previous question. The call was sustained, and the main question ordered to be put.

The question recurring upon the amendment proposed by Mr. Sneed, the amendment did not prevail.

The question then recnrred upon the amendment proposed by the Committee on Judiciary. The amendment prevailed. The bill then passed the second time.

On motion by Mr. Busbee, the bill was made the special order for to-morrow at 7:45 P. M.

Bills were acted upon, under a suspension of the rules, as follows:

S. B. No. 462, H. B. No. 260: A bill to be entitled an act for the relief of the sureties of John L. Harris, late sheriff of Person county.

The bill was read and passed second and third times, the yeas and nays being dispensed with by consent.

S. B. No. 454: A bill to be entitled an act to provide additional accommodation for the insane of the State.

On motion of Mr. Stickney, the bill was made the special order for next Wednesday, February 10th, at 12 M.

S. B. No. 418, H. B. No. 315: A bill to be entitled an act to amend an act entitled an act to incorporate the town of Hickory, in the connty of Catawba, ratified December 18th, 1873, and for other purposes.

The bill was read and passed the third time, the yeas and nays being dispensed with by consent.

S. B. No. 371: A bill to be entitled an act to incorporate the bank of Reidsville. The bill was read the second time.

The amendment, in the nature of a substitute, for section first proposed by the Committee on Banks and Currency, was adopted; and the bill passed the second time.

The bill was then read and passed the third time, the yeas and nays being dispensed with by consent.

S. B. No. 350, H. B. No. 147: A bill to be entitled an act to amend chapter 137, acts of the General Assembly of N. C., 1873–'74.

The bill was read and passed the second and third times, the yeas and nays being dispensed with by consent.

The special order for to-day, to-wit: S. B. No. 13: A bill to be entitled an act to establish a legal rate of interest, and to prevent usury, was, on motion by Mr. C. M. Cooke, postponed and made the special order for 11:30 A. M. to-morrow.

The Senate then adjourned until 11 A. M. to-morrow.

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## FORTY-FIFTH DAY.

SENATE CHAMBER, February 3rd, 1875.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

Petitions were presented and disposed of as follows:

By Mr. McCauley: Petition from citizens of White's Store township, in Anson county, asking for a fence law. Referred to the Committee on Propositions and Grievances.

By Mr. McMillan: Petition from citizens of Ashe county relative to construction of a public road. Referred to the Committee on Propositions and Grievances.

By Mr. Waring: Petition from the citizens of Crab Orchard

township, Mecklenburg county. Referred to the Committee on Propositions and Grievances.

The following protest was presented by Mr. Cantwell, read, and ordered to be spread upon the Journal:

"The undersigned availing himself of a right secured by article 2, section 19, Constitution of the State, in behalf of himself and the people of the 12th Senatorial District, dissents from and protests against the passage of the act, entitled "an act to amend the charter of the city of Wilmington," through this General Assembly, and believe the same injurious to the public, his constituents and himself, for the reasons following, viz:

1. *The General Assembly has no power to add to the qualifications of voters and public officers prescribed by the Constitution.* This act attempts to superadd to the qualifications of voters and public officers in Wilmington, a residence and disabilities not warranted by, and not specified in, the Constitution.

2. *The General Assembly has no power under the Constitution to appoint or elect Registrars or Inspectors of Elections.* This act appoints by name a number of such officers for the city of Wilmington, and provides for the payment of their salary out of the funds and treasury of that city.

3. *The General Assembly has no power under the Constitution to make political rights and privileges depend on, or be modified by, property.* This act attempts to confer upon one sixth of the voters of Wilmington a government rightfully appertaining to the majority, and thereby to enable the property holders of that city, as a class, to control the government and people thereof, in violation of the fundamental law.

4. And the undersigned, constantly and earnestly counseling all good people of this State to exercise the same "sublime patience" we have recommended the people of Louisiana under the same aggressions, and believing and hoping they also will await "the settlement of their wrongs" at the ballot-box, and that the Courts of law afford an ample and entirely adequate

remedy, nevertheless protests against the same acts for the further reason following, viz: That the same act is, in his opinion, a violation of the compact made between us and the United States Congress, whereby North Carolina acquired, conditionally, re-admission to the Union, from which she had seceded, and thereby affords a pretext for another forcible interposition on the part of the general government in local affairs—possibly a renewal of hostilities between the States, and all their attendant horrors.

(Signed.) EDWARD CANTWELL,
Senator Twelfth District.

Reports from Standing Committees were submitted as follows.

From Commtttee on Propositions and Grievances:

By Mr. Latham, S. B. No. 508: A bill to be entitled an act to better compensate commissioners, with a recommendation that it do not pass;

S. B. No. 514: A bill to be entitled an act to prohibit the sale of spirituous liquors within three miles of Poplar Spring church, in the county of Franklin, with accompanying amendments.

From Committee on Internal Improvements:

By Mr. Waring, H. R. No. 91, S. R. No. 345: Resolution in relation to the Western North Carolina Railroad, with a request that the committee be allowed to report it back to the Senate;

S. B. No. 392: A bill to be entitled an act to incorporate the North Carolina Border Railroad Company, with accompanying amendments.

From Committee on Claims:

By Mr. Williamson, H. B. No. 188, S. B. No. 497: A bill to be entitled an act in favor of the contractors and employees of the Marion and Asheville Turnpike, with a recommendation that it do pass.

From Committee on Internal Improvements:

By Mr. Waddell, S. B. No. 90: A bill to be entitled an act to amend an act entitled "an act to charter the Carolina Narrow Gauge Railroad," ratified February 8th, 1872, with a recommendation that it do not pass.

From Committee on Judiciary:

By Mr. Hargrave, S. B. No. 156: A bill to be entitled an act to amend chapter 105, section 28, sub-division 37, Battle's Revisal, relating to fees of superior court clerks, with accompanying amendments.

From Committee on Corporations:

By Mr. Marler, S. B. No. 349: A bill to be entitled an act to amend an act ratified the 28th of December, 1838, entitled "an act to amend an act entitled an act to establish a Literary and Manual Labor Institution in the county of Wake," passed in one thousand eight hundred and thirty-three, with accompanying amendments.

By Mr. Busbee, H. B. No. 279, S. B. No. 417: A bill to be entitled an act to incorporate the town of Marlboro', in the county of Pitt, with accompanying amendments.

H. B. No. 199, S. B. No. 320: A bill to be entitled an act to amend chapter 12, Battle's Revisal, concerning Building Associations, with a recommendation that it do pass.

S. B. No. 484: A bill to be entitled an act to incorporate Burnt Chimney Academy, in Rutherford county, with a recommendation that it do pass.

S. B. No. 436: A bill to be entitled an act to incorporate "The Number Six Cherokee Mining and Manufacturing Company," with a recommendation that it do pass.

S. B. No. 433: A bill to be entitled an act to incorporate the town of Middleton, in Hyde county, with a recommendation that it do pass.

From Committee on Judiciary:

By Mr. C. M. Cooke, S. B. No. 351: A bill to be entitled an act for the protection of sheep, with a recommendation that it do not pass.

The following named bills and resolutions were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows:

By message from the House of Representatives, H. B. No. 347: A bill to be entitled an act concerning the city of Raleigh. To the Committee on Corporations.

H. B. No. 230: A bill to be entitled an act to amend chapter 105, section 39, Battle's Revisal, as brought forward from Revised Code, chapter 102, section 37, entitled salaries and fees. To the Committee on Propositions and Grievances.

H. B. No. 453: A bill to be entitled an act to amend sections 21 and 22, chapter 117, Battle's Revisal. To the Committee on Judiciary.

H. B. No. 263: A bill to be entitled an act to amend and re-enact chapter 31, section 104, of the Revised Code, concerning appeals from justices' courts. To the Committee on Judiciary.

H. B. No. 351: A bill to be entitled an act to amend chapter 146, laws of 1872-'73. To the Committee on Judiciary.

H. B. No. 456: A bill to be entitled an act to restrict the fishing of pod nets in the Albemarle sound, (substitute for S. B. No. 450, H. B. No. 445.) To the Committee on Propositions and Grievances.

H. R. No. 140: Resolution authorizing the Engrossing Clerk of the House of Representatives to employ additional clerical aid. Placed on the calendar.

H. R. No. 145: Resolution of enquiry into the affairs of the Albemarle and Chesapeake Canal Company. Concurred in.

H. R. No. 134: Resolution requesting Representatives in Congress to amend pension laws. Placed on the calendar.

By Mr. McMillan: A bill to be entitled an act to lay out and construct a pubiic road from Edwin D. Greer's store to Jefferson, in Ashe county. To the Committee on Internal Improvements.

By Mr. Love: A bill to be entitled an act to encourage immigration. To the Committee on Immigration.

By Mr. Waring: A bill to be entitled an act to prevent trespassing on real estate in certain cases. To the Committee on Judiciary.

By Mr. Cashwell: A bill to be entitled an act for the protection of farmers. To the Committee on Agriculture, Mechanics and Mining.

By Mr. Parish: A bill to be entitled an act to incorporate the "Bank of Durham." To the Committee on Banks and Currency.

By Mr. Busbee: Resolution in favor of John G. Bagwell. Placed on the calendar.

By Mr. Tucker: Resolution concerning sessions.

On motion by Mr. Williamson, the resolution was laid upon the table.

Bills and resolutions, on third reading, were acted upon as follows:

S. B. No. 244: A bill to be entitled an act to extend the mechanics' and laborers' lien.

The bill was read and passed third time, the yeas and nays being dispensed with by consent.

S. R. No. 279: Resolution in favor of convicts at the Penitentiary. The resolution was read the third time.

The question recurred upon the amendment proposed by the Committee on Penal Institutions.

Mr. Anderson moved an amendment, in the nature of a substitute.

Pending its consideration, Mr. Mills moved to lay the resolution upon the table.

The yeas and nays being ordered, on demand of Mr. Cantwell, the motion to table did not prevail. Yeas 10, nays 31.

*Affirmative*—Messrs. Anderson, Clement, LeGrand, Linney, McElroy, Mills, Stickney, Waddell, Waring and Young—10.

*Negative*—Messrs. Albright, Boddie, Bryan, Cantwell, Cashwell, C. M. Cooke, N. S. Cook, Graham, Hargrave, Holton, Irwin, Jenkins, Kerr, Latham, Love, Mabson, Marler, McCanley, McMillan, Parish, Pegram, Selby, Shaw, Smith,

Sneed, Standford, Sugg, Taylor, Walker, Williamson and Worthy—31.

The question recurred on the amendment proposed by the committee. The amendment prevailed.

The questioned then recurred upon the substitute proposed by Mr. Anderson.

Mr. McElroy moved to amend the substitute. The amendment did not prevail.

Mr. Albright moved to amend the substitute. The amendment prevailed; and the substitute, as amended, was rejected.

Pending the consideration of the resolution, Mr. Albright called the previous question, and the main question was ordered to be put.

The yeas and nays being ordered, on demand by Mr. Holton, the resolution passed the third time. Yeas 36, nays 6.

*Affirmative*—Messrs. Albright, Boddie, Bryan, Busbee, Cantwell, Cashwell, Clement, C. M. Cooke, N. S. Cook, Hargrave, Holton, Irwin, Jenkins, Kerr, Latham, LeGrand, Love, Mabson, Marler, McElroy, McMillan, Morehead, Parish, Pegram, Selby, Shaw, Smith, Sneed, Standford, Sugg, Taylor, Tucker, Waddell, Walker, Williamson and Worthy—36.

*Negative*—Messrs. Anderson, Graham, Linney, Mills, Stickney and Waring—6.

Bills and resolutions, on second reading, were acted upon as follows:

S. B. No. 303: A bill to be entitled an act to change the time of salesday. The bill was read the second time.

Mr. Busbee offered to amend the bill. The amendment prevailed.

Mr. McMillan moved that the bill be laid upon the table. The motion did not prevail.

The bill then passed the second time.

S. B. No. 292, H. B. No. 58: A bill to be entitled an act to repeal a resolution in relation to the North Carolina Manual.

On motion of Mr. Latham, the bill was laid upon the table.

S. B. No. 291: A bill to be entitled an act for the better protection of gardens, orchards and inclosures.

On motion by Mr. Latham, the bill was laid upon the table.

S. B. No. 281: A bill for the better government and regulation of the city of Wilmington, and for other purposes. The bill was read the second time.

Mr. Kerr moved to refer the bill to the Committee on Judiciary. The motion did not prevail.

Mr. Kerr demanded the yeas and nays upon the passage of the bill. The call was not sustained, and the bill passed the second time.

S. B. No. 162, H. B. No 98: A bill to be entitled an act authorizing the making a turnpike road in Haywood county. The bill was read the second time. The amendment proposed by the Committee on Internal Improvements prevailed, and the bill passed the second time.

On motion, the rules were suspended, and the bill read and passed the third time, the yeas and nays being dispensed with by consent.

S. R. No. 363: Resolution in favor of A. D. Young, of Wilmington.

Mr. Cantwell moved to amend.

Mr. LeGrand moved to lay the resolution upon the table.

The yeas and nays being ordered, on demand of Mr. Cantwell, the motion to table prevailed. Yeas 25, nays 17.

*Affirmative*—Messrs. Albright, Anderson, Boddie, Busbee, Clement, Graham, Hargrave, Irwin, Jenkins, Kerr, Latham, LeGrand, Linney, McElroy, McMillan, Mills, Pegram, Selby, Smith, Standford, Stickney, Sugg, Waring, Williamson and Worthy—25.

*Negative*—Messrs. Bryan, Cantwell, Cashwell, C. M. Cooke, N. S. Cook, Holton, Love, Mabson, Marler, McCauley, Parish, Shaw, Sneed, Taylor, Tucker, Waddell and Walker—17.

Bills and resolutions were acted upon, under a suspension of the rules, as follows:

S. B. No. 351 : A bill to be entitled an act for the protection of sheep.

On motion of Mr. C. M. Cooke, the bill was indefinitely postponed.

S. R. No. 504, H. R. No. 113: Resolution in favor of Nat. Atkinson, of Buncombe county.

On motion of Mr. McElroy, the resolution was referred to the Committee on Claims.

S. B. No. 387 : A bill to be entitled an act to raise the fees of justices of the peace.

The bill was read second time, and, on motion of Mr. McElroy, laid upon the table.

S. B. No. 436 : A bill to be entitled an act to incorporate the Number Six Cherokee Mining and Manufacturing Company.

The bill was read and passed socond and third times, the yeas and nays being dispensed with by consent.

S. B. No. 293 : A bill to be entitled an act for the better protection of the county bridge across Scuppernong river at Columbia, in Tyrrell county.

The bill was read and passed second and third times, the yeas and nays being dispensed with by consent.

S. B. No. 296, H. B. No. 208 : A bill to be entitled an act to lay out and construct a public road from Boone, Watauga county, to the Caldwell and Watauga Turnpike. The bill was read second time.

Mr. McMillan proposed an amendment. The amendment prevailed, and the bill then passed the second and third times, the yeas and nays being dispensed with by consent.

The special order for to-day, to-wit, S. B. No. 13 : A bill to be entitled an act to establish a legal rate of interest and to prevent usury, was postponed until 7:30 P. M. to-day, on motion of Mr. Marler.

The following named bills, amendments and resolutions, reported as correctly engrossed by the Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence:

S. B. No. 373: A bill to be entitled an act to provide for furnishing the State Library of the Supreme Court with additional copies of the acts of Assembly and reports of their decisions.

S. B. No. 473: A bill to be entitled an act to incorporate the Bank of Gaston county.

S. B. No. 237: A bill to be entitled an act to amend chapter 5, of Battle's Revisal, so as to prevent white children being bound as apprentices to colored masters.

S. B. No. 217: A bill to be entitled an act to amend chapter 137, section 1, of laws of 1873–'74.

S. B. No. 431: A bill to be entitled an act to provide for additional terms of the Superior Courts of Northampton and Halifax counties.

S. B. No. 347: A bill to be entitled an act to amend an act entitled "an act to incorporate the town of Rocky Mount, in the county of Edgecombe.

The following bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

An act to amend sections 2 and 3, of an act ratified March 6th, 1866, entitled an act to incorporate the Albemarle Steam Navigation Company.

An act to provide for two additional terms of the Superior Court for Mecklenburg county.

An act to amend chapter 102, public laws of 1873–'74, concerning Clarke's creek and Maiden creek, in the counties of Lincoln and Catawba.

Resolution concerning educational interest of Cherokee.

An act to incorporate the Pamlico Insurance and Banking Company.

An act to amend the charter of the city of Wilmington.

Joint resolution to authorize the Joint Select Committee to examine the coupons in Treasurer's office to cancel, burn or destroy said bonds.

An act to continue in force an act appointing trustees for Haywood Academy, in Chatham county.

An act to change the dividing line between the counties of Franklin and Granville.

An act to amend Battle's Revisal, chapter 33.

An act for the relief of the sureties of John L. Harris, late sheriff of Person county.

On motion, the Senate adjourned until 7:30 P. M. to-day.

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## EVENING SESSION.

SENATE CHAMBER, February 3d, 1875.

The Senate met pursuant to adjournment at 7:30 P. M.

By leave, Mr. Sneed presented a petition from the board of county commissioners of Granville county. Referred to the Committee on Propositions and Grievances.

The Senate resumed the consideration of S. B. No. 13: A bill to be entitled an act to establish a legal rate of interest and to prevent usury, it being the special order for this hour.

The question recurred upon the substitute proposed by the minority of the Committee on Banks and Currency, to-wit: S. B. No. 101, introduced by Mr. Standford.

Pending the consideration of this substitute, Mr. Williamson called the previous question.

Mr. Mabson moved that the Senate do now adjourn.

The motion prevailed, and the Senate then stood adjourned until 11 A. M. to-morrow.

## FORTY-SIXTH DAY.

SENATE CHAMBER, February 4th, 1875.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Pritchard.

The Journal of Saturday was read.

Leaves of absence were granted as follows: To Mr. Morehead, leave for to-day; to Mr. Sneed, leave until Monday next; to Mr. Tucker, leave until Monday next.

Reports from Standing Committees were submitted as follows:

From the Committee on Agriculture, Mechanics and Mining:

By Mr. Selby, S. B. No. 493: A bill to be entitled an act to incorporate the N. C. State Grange, Patrons of Husbandry, with a recommendarion that it do pass.

The following named bills were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows:

By Mr. Standford: A bill to be entitled an act to regulate the appointment of guardians *ad litem*. Referred to the Committee on Judiciary.

By Mr. Boddie: A bill to be entitled an act to incorporate Whitaker's Mills, in Nash county. To the Committee on Corporations.

By Mr. French: A bill to be entitled an act to amend the charter of the city of Wilmington. To the Committee on Corporations.

By Mr. Waring: A bill to be entitled an act relating to the jurisdiction of justices of the peace. To the Committee on Judiciary.

By Mr. Mills: A bill to be entitled an act in relation to taxation in Burke and McDowell counties. To the Committee on Internal Improvements.

The following named resolutions were introduced, read and disposed of, as follows:

By Mr. Cantwell: Resolution of enquiry concerning State cotton.

On motion, the rules were suspended, and the resolution adopted.

Resolution in favor of Rosalind H. and D. Jane King, of Halifax county. Referred to the Committee on Propositions and Grievances.

By Mr. Anderson: Resolution in favor of certain disabled soldiers. The resolution was read.

Mr. Cantwell moved that the rules be suspended, and the resolution put on its adoption.

Mr. C. M. Cooke moved to commit the resolution to the Committee on Propositions and Grievances.

On this motion Mr. Cantwell called for the yeas and nays. The call was not sustained; and the motion to commit prevailed.

By Mr. Marler: Resolution concerning rules of the Senate, proposing an additional rule, limiting Senators to two minutes' time in explanation of their votes. The resolution was read.

Mr. Marler moved that the rules be suspended, and the resolution put upon its adoption.

On this motion Mr. Busbee called for the yeas and nays. The call was sustained, and the Senate refused to suspend the rules. Yeas 23, nays 18.

*Affirmative*—Messrs. Albright, Anderson, Busbee, Cashwell, Clement, N. S. Cook, Hargrave, Holton, Irwin, Latham, LeGrand, Linney, Mabson, Marler, McElroy, Paschall, Shaw, Tucker, Waddell, Walker, Williamson, Worthy and Young—23.

*Negative*—Messrs. Boddie, Cantwell, C. M. Cooke, French, Graham, Jenkins, Kerr, Love, McCauley, McMillan, Mills, Parish, Pegram, Selby, Smith, Stickney, Sugg and Waring—18.

The resolution was then laid over under the rules.

Bills and resolutions were acted upon, under a suspension of the rules, as follows:

S. R. No. 502, H. R. No. 118: Resolution to pay Principal Clerks for preparing printed calendar. The resolution was read and adopted.

S. R. No. 521, H. R. No. 140: Resolution to authorize the Engrossing Clerk of the House to employ additional clerical aid.

Mr. Parish moved to amend by adding "that this resolution shall take effect from 18th January."

The amendment prevailed, and the resolution, as amended, was adopted.

Mr. Waring moved to re-consider the vote by which the Senate had adopted this resolution; and then moved to lay that motion upon the table. The motion to table prevailed.

S. B. No. 281: A bill to be entitled an act for the better government and regulation of the city of Wilmington, and for other purposes.

On motion, the bill was referred to the Committee on Corporations.

Special orders were acted upon as follows:

S. B. No. 469: A bill to be entitled an act to amend section 3, chapter 80, Battle's Revisal.

On motion, the further consideration of the bill was postponed and made the special order for to-morrow at 12 M.

S. B. No. 233 and S. B. No. 289: Bills to protect the birds of North Carolina.

On motion, the further consideration of these bills was postponed and made the special order for to-morrow at 1 P. M.

The Senate resumed the consideration of the unfinished business of yesterday, to-wit:

S. B. No. 13: A bill to be entitled an act to establish a legal rate of interest and to prevent usury.

The question recurred upon the amendment, in the nature of a substitute, proposed by the minority of the Committee on Banks and Currencey.

Mr. Williamson called the previous question.

Mr. Cantwell moved that the Senate do now adjourn.

The motion to adjourn did not prevail.

The question recurred on the motion for the previous question.

The yeas and nays being ordered, on demand by Mr. Busbee, the call for the previous question was not sustained by the Senate. Yeas 21, nays 24.

*Affirmative*—Messrs. Albright, Clement, N. S. Cook, Hargrave, Holton, Latham, LeGrand, Linney, Love, Mabson, Marler, McElroy, McMillan, Paschall, Selby, Shaw, Taylor, Walker, Williamson, Worthy and Young—21.

*Negative*—Mr. President, Messrs. Anderson, Boddie, Bryan, Busbee, Cantwell, Cashwell, C. M. Cooke, French, Graham, Irwin, Jenkins, Kerr, McCauley, Mills, Parish, Pegram, Smith, Standford, Stickney, Sugg, Tucker, Waddell and Waring—24.

The question recurred upon the adoption of the substitute proposed by the minority of the Committee on Banks and Currency.

Mr. Busbee moved to amend "by striking out eight (8) per cent. and inserting six (6) per cent. wherever it occurs in the minority report."

Objection being raised, the Chair decided that the motion to amend was in order.

From the decision of the Chair, Mr. Shaw appealed to that of the Senate.

The Chair having put the question, "Shall the decision of the Chair stand as the decision of the Senate?" it was decided in the affirmative.

The question then recurring upon the amendment offered by Mr. Busbee, to strike out (8) eight and insert (6) six per cent., the yeas and nays were ordered, on demand of Mr. Waring, and the amendment prevailed. Yeas 38, nays 6.

*Affirmative*—Mr. President, Messrs. Albright, Anderson, Bryan, Busbee, Cantwell, C. M. Cooke, French, Graham, Hargrave, Holton, Irwin, Jenkins, Kerr, Latham, LeGrand, Linney, Love, Mabson, Marler, McCanley, McElroy, McMillan, Mills, Parish, Paschall, Pegram, Selby, Shaw, Stickney, Sugg,

Taylor, Tucker, Waddell, Walker, Waring, Worthy and Young—38.

*Negative*—Messrs. Boddie, Cashwell, Clement, N. S. Cook, Smith and Standford—6.

Mr. Stickney moved to amend by striking out 12 per cent. and inserting 10 per cent. wherever it occurs in the minority report.

A division of the question being ordered, the question recurred upon the motion to strike out.

The yeas and nays being ordered, the motion to strike out prevailed. Yeas 38, nays 3.

*Affirmative*—Mr. President, Messrs. Albright, Anderson, Boddie, Busbee, Cashwell, Clement, N. S. Cook, French, Graham, Hargrave, Holton, Irwin, Latham, LeGrand, Linney, Love, Mabson, Marler, McElroy, McMillan, Mills, Parish, Paschall, Pegram, Selby, Shaw, Smith, Stickney, Sugg, Taylor, Tucker, Waddell, Walker, Waring, Williamson, Worthy and Young—38.

*Negative*—Messrs. Bryan, Cantwell and Standford—3.

The question then recurring upon the motion to insert, the yeas and nays were ordered, on demand of Mr. McMillan, and the motion to insert "ten (10)" did not prevail. Yeas 9, nays 34.

*Affirmative*—Messrs. Bryan, French, Graham, Irwin, Pegram, Smith, Stickney, Sugg and Waddell—9.

*Negative*—Messrs. Albright, Anderson, Boddie, Busbee, Cantwell, Cashwell, Clement, C. M. Cooke, N. S. Cook, Hargrave, Holton, Jenkins, Kerr, Latham, LeGrand, Linney, Love, Mabson, Marler, McElroy, McCauley, McMillan, Parish, Paschall, Selby, Shaw, Standford, Taylor, Tucker, Walker, Waring, Williamson, Worthy and Young—34.

Mr. Waring moved to amend by inserting "5 per cent."

Mr. Marler moved to amend by inserting "8 per cent."

The question recurring upon Mr. Marler's amendment, the yeas and nays were ordered, and the amendment prevailed. Yeas 34, nays 10.

*Affirmative*—Mr. President, Messrs. Albright, Anderson,

Boddie, Bryan, Busbee, Clement, C. M. Cooke, Graham, Hargrave, Holton, Jenkins, Kerr, Latham, LeGrand, Linney, Love, Mabson, Marler, McCauley, McElroy, McMillan, Parish, Paschall, Pegram, Selby, Shaw, Smith, Taylor, Tucker, Waddell, Walker, Williamson and Worthy—34.

*Negative*—Messrs. Cantwell, Cashwell, French, Irwin, Mills, Stanford, Stickney, Sugg, Waring and Young—10.

Mr. Busbee moved to amend the minority substitute by adding the following:

"SECTION 2. That the penalties imposed by this act shall not be construed to apply to individuals and others loaning money, unless the same shall also apply to National Banks located in this State."

Pending its consideration, Mr. Marler moved the previous question. The motion prevailed, and the main question was ordered to be put.

The question recurred upon the amendment offered by Mr. Busbee.

The yeas and nays being ordered, on demand of Mr. French, the amendment prevailed. Yeas 32, nays 8.

*Affirmative*—Messrs. Albright, Anderson, Boddie, Bryan, Busbee, French, Graham, Holton, Jenkins, Kerr, Latham, LeGrand, Love, Mabson, McCauley, McElroy, Mills, Parish, Paschall, Pegram, Selby, Smith, Standford, Stickney, Sugg, Taylor, Tucker, Waddell, Walker, Waring, Worthy and Young—32.

*Negative*—Messrs. Cantwell, Clement, Hargrave, Marler, McMillan, Shaw and Williamson—8.

The question then recurring on the adoption of the minority substitute, as amended, the yeas and nays were ordered, on demand of Mr. Busbee, and the substitute was rejected. Yeas 9, nays 33.

*Affirmative*—Messrs. Busbee, Graham Jenkins, McCauley, Pegram, Smith, Standford, Waddell and Waring—9.

*Negative*—Messrs. Albright, Anderson, Boddie, Cantwell, Cashwell, Clement, C. M. Cooke, N. S. Cook, French, Hargrave, Holton, Irwin, Latham, LeGrand, Linney, Love, Mabson, Marler, McElroy, McMillan, Mills, Parish, Paschall, Selby, Shaw, Stickney, Sugg, Taylor, Tucker, Walker, Williamson, Worthy and Young—33.

The question then recurred on the adoption of the substitute proposed by the majority of the Committee on Banks and Currency.

The yeas and nays being ordered, on demand of Mr. Marler, the substitute was adopted. Yeas 27, nays 17.

*Affirmative*—Mr. President, Messrs. Albright, Boddie, Clement, C. M. Cooke, Hargrave, Holton, Latham, LeGrand, Linney, Love Mabson, Marler, McCauley, McElroy, McMillan, Parish, Paschall, Selby, Shaw, Smith, Taylor, Tucker, Walker, Williamson, Worthy and Young—27.

*Negative*—Messrs. Anderson, Bryan, Busbee, Cantwell, Cashwell, N. S. Cook, French, Graham, Irwin, Jenkins, Mills, Pegram, Standford, Stickney, Sugg, Waddell and Waring—17.

The question then recurring upon the passage of the bill, as amended on its second reading, the yeas and nays were ordered, on demand by Mr. Busbee, and the bill passed the second time. Yeas 27, nays 15.

*Affirmative*—Messrs. Albright, Boddie, Clement, C. M. Cooke, Hargrave, Holton, Latham, LeGrand, Linney, Love, Mabson, Marler, McCauley, McElroy, McMillan, Morehead, Parish, Paschall, Selby, Shaw, Smith, Taylor, Tucker, Walker, Williamson, Worthy and Young—27.

*Negative*—Messrs. Anderson, Bryan, Cantwell, Cashwell, N. S. Cook, French, Graham, Irwin, Jenkins, Pegram, Standford, Stickney, Sugg, Waddell and Waring—15.

The following named bills, amendments and resolutions, reported as correctly engrossed by the Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence :

S. B. No. 374: A bill to be entitled an act to incorporate

the Cleaveland Savings Bank, in the town Shelby, Cleaveland county.

S. B. No. 221: A bill to be entitled an act to repeal chapter 79, laws of 1871–'72.

S. B. No. 382: A bill to be entitled an act to incorporate the "Oak City Building and Loan Association of Raleigh, North Carolina."

S. B. No. 442: A bill to be entitled an act to incorporate the town of Albemarle, in the county of Stanly.

S. B. No. 173: A bill to be entitled an act to amend chapter 17, section 31, clause 2, Battle's Revisal.

S. B. No. 247: A bill to be entitled an act to amend section 40, chapter 104, Battle's Revisal.

Senate amendments to H. B. No. 43, S. B. No. 166: A bill to be entitled an act to repeal an act passed at session of 1872–'73.

Senate amendments to H. B. No 29, S. B. No. 297: A bill to be entitled an act to amend the charter of the town of Lincolnton.

Senate amendments to H. B. No. 208, S. B. No. 296: A bill to be entitled an act to lay out and construct a public road from Boone, Watauga county, to the Caldwell and Watauga Turnpike.

S. B. No. 436: A bill to be entitled an act to incorporate "The Number Six Cherokee Mining and Manufacturing Company.

S. B. No. 371: A bill to be entitled an act to incorporate the Bank of Reidsville.

The Senate adjourned until 11 A. M. to-morrow.

## FORTY-SEVENTH DAY.

SENATE CHAMBER, February 5th, 1875.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Mangum.

The Journal of yesterday was read.

Leaves of absence were granted as follows:

To Mr. Albright, until Tuesday next; Mr. Boddie until Saturday the 13th inst.; Mr. Hargrave, until Monday next.

Mr. Morehead was permitted to record his vote in the affirmative on the vote by which S. B. No. 13, passed its second reading, on yesterday.

Mr. Mabson was permitted to withdraw from the calendar, S. B. No. 388.

Petitions were presented and disposed of as follows:

By Mr. Latham: Petition from citizens of Greene Neck township. Referred to the Committee on Propositions and Grievances.

By Mr. Morehead: Petition from Augsburg Grange, No. 156, relative to the usury bill. Filed with S. B. No. 13.

By Mr. Waring: Petition from citizens of Steele Creek township, regarding a prohibitory liquor law. To Committee on Corporations.

Reports from Standing Committees were submitted as follows:

From Committee on Judiciary:

By Mr. Shaw, S. B. No. 451: A bill to be entitled an act concerning evidence in cases of fraud where the State is concerned, with a recommendation that it do pass.

S. B. No. 506, H. B. No. 440: A bill to be entitled an act to relieve the counties of the State from the payment of the costs and expenses of criminal prosecutions, with a recommendation that it do pass.

H. B. No. 118, S. B. No. 201: A bill to be entitled an act

to amend Battle's Revisal, chapter 17, section 198 and 199, in relation to attachments, with the recommendation that the bill do pass.

By Mr. Linney, H. B. No. 156, S. B. No. 223: A bill to be entitled an act to amend chapter 17 of Battle's Revisal, known as the Code of Civil Procedure, title 12, section 276, subdivision 4, with a recommendation that it do pass.

H. B. No. 223, S. B. No. 285: A bill to be entitled an act to amend chapter 105, laws 1872–'73, as brought forward in Battle's Revisal, chapter 55, section 24, in regard to the allotment of household exemptions, with a recommendation that it do not pass.

By Mr. McElroy, H. B. No. 201, S. B. No. 499: A bill to be entitled an act to amend section 150, chapter 32, Battle's Revisal, with a recommendation that it do not pass.

S. B. No. 496: A bill to be entitled an act to repeal sections 50, 51 and 52, chapter 63, Battle's Revisal, entitled "Justices and their jurisdiction," with a recommendation that it do not pass.

By Mr. Cook, of Franklin, S. B. No. 429: A bill to be entitled an act to amend chapter sixty-four of Battle's Revisal; with accompanying substitute for this, and S. B. No. 110, on the same subject.

By Mr. Latham, S. B. No. 509: A bill to be entitled an act to amend chapter 27, sections 11, 12, 13, 19, 22 and 29, of Battle's Revisal, with a recommendation that it do pass.

By Mr. Kerr, S. B. No. 475: A bill to be entitled an act to amend section 25, chapter 104, of Battle's Revisal, with the recommendation that it do not pass.

From the Committee on Propositions and Grievances:

By Mr. Latham, S. B. No. 470: A bill to be entitled an act to amend Battle's Revisal, chapter 105, section 25, sub. 2, and section 28, sub. 17, with the recommendation that it do not pass.

S. B. No. 294, H. B. No. 148: A bill to be entitled an act

for the relief of the sureties of T. F. Lee, late sheriff of Wake county, with a recommendation that it do pass.

S. B. No. 527, H. B. No. 230: A bill to be entitled an act to amend chapter 105, section 39, Battle's Revisal, as brought forward from Revised Code, chapter 102, section 37, entitled salaries and fees, with a recommendation that it do pass.

S. R. No. 538: Resolution in favor of Rosalind H. and D. Jane King, with the recommendation that it do not pass.

S. R. No. 537: Resolution in favor of certain disabled soldier, with the recommendation that it be referred to the Committee on Judiciary. The reference was made.

From the Committee on Agriculture, Mechanics and Mining:

By Mr. Selby, S. B. No. 404: A bill to be entitled an act to protect sheep, with a recommendation that it be referred to the Committee on Judiciary. The reference was so made.

From the Joint Select Committee on Heating the Capitol:

By Mr. Cantwell: A resolution in regard to heating the Capitol, with accompanying report.

The following named bills, amendments and resolutions, reported as correctly engrossed by the Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence:

S. R. No. 544: Resolution in relation to heating the Capitol.

S. B. No. 244: A bill to be entitled an act to extend the mechanic's and laborer's lien.

Senate amendments to H. R. No. 140, S. R. No. 521: Resolution authorizing the Engrossing Clerk of the House of Representatives to employ additional aid.

Senate amendments to H. B. No. 98, S. B. No. 162, authorizing the making of a turnpike road in Haywood county.

S. R. No. 279: Resolution in favor of convicts at Penitentiary.

The following bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

An act to incorporate Olive Branch Baptist church, in the county of Union.

An act to amend an act entitled an act to incorporate the town of Hickory, in the county of Catawba, ratified December 18th, 1873, and for other purposes.

An act to incorporate Furgerson's Camp Ground, of the Methodist Church, South, in the county of Haywood.

An act to authorize the board of county commissioners of Rowan county to subscribe to the capital stock of the Yadkin Railroad Company.

Resolution of enquiry into the affairs of the Albemarle and Chesapeake Canal Company.

An act for the better protection of the county bridge across Scuppernong river, at Columbia, in Tyrrell county.

An act providing for the enforcement of decrees in suits in equity, rendered prior to a certain act of 1806.

An act to amend an act to prohibit the sale of spirituous liquors in certain localities, chapter 137, and ratified the 16th February, 1874.

An act to incorporate Pleasant Grove Camp Ground, in the county of Union.

An act to amend an act passed at the session of 1873–'74.

An act to amend chapter 137, acts of the General Assembly of North Carolina, of the session of 1873–'74.

An act to lay out and construct a public road from Boone, Watauga county, to the Caldwell and Watauga Turnpike.

An act to amend the charter of the town of Lincolnton.

An act to incorporate Trustees of Statesville Academy.

An act concerning the Wilmington and Weldon Railroad, and Wilmington and Raleigh Railroad Companies.

An act to amend section 1, chapter 62, laws of 1873–'74.

An act to give justices of the peace jurisdiction in proceedings in the nature of forcible entry and detainer.

An act to amend sections 6 and 9, of chapter 37, private laws of North Carolina, passed at its session of 1873–'74.

Resolution concerning a custom house and other necessary improvements in the city of Newbern, North Carolina.

The following named bills and resolutions were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows:

By message from the House of Representatives, H. B. No. 436: A bill to be entitled an act to amend an act entitled an act in relation to the meadows of Rockingham county, chapter 187, public laws of 1870-'71. To the Committee on Propositions and Grievances.

H. B. No. 458: A bill to be entitled an act to amend an act incorporating the town of Sanford, in the county of Moore, laws of 1873-'74. To the Committee on Corporations.

H. B. No. 433: A bill to be entitled an act to amend an act entitled an act to amend the charter of the Cheoah Turnpike Company. To the Committee on Internal Improvements.

By Mr. Busbee: A bill to be entitled an act to create the Insurance Bureau of N. Carolina. To Committee on Insurance.

Resolution in favor of J. H. Enniss, agent. Placed on the calendar.

By Mr. Taylor: A bill to be entitled an act in relation to lands sold for taxes, and for other purposes. To the Committee on Judiciary.

A bill to be entitled an act to prevent the felling of trees in any of the water courses west of the Blue Ridge, and for other purposes. To the Committee on Propositions and Grievances.

By Mr. Bell: A bill to be entitled an act to repeal the charter of the town of Beaufort, Carteret county. To the Committee on Corporations.

A bill to be entitled an act to amend section 38, chapter 33, Battle's Revisal. To the Committee on Judiciary.

By Mr. French: A bill to be entitled an act to amend an act to incorporate the town of Shoe Heel, in the county of Robeson. To the Committee on Corporations.

By Mr. Jenkins: A bill to be entitled an act to incorporate

the Rutherford Manufacturing Company. To the Committee on Corporations.

By Mr. Kerr: A bill to be entitled an act to amend section 12, chapter 105, of Battle's Revisal. To the Committee on Judiciary.

Bills and resolutions were acted upon, under a suspension of the rules, as follows:

S. R. No. 544: Resolution relating to heating the Capitol. The resolution was read. The yeas and nays being ordered, the resolution was rejected. Yeas 19, nays 23.

*Affirmative*—Messrs. Bell, Bryan, Busbee, Cantwell, C. M. Cooke, N. S. Cook, French, Graham, Holton, Irwin, Kerr, Love, Mabson, Marler, Mills, Paschall, Stickney, Taylor and Walker—19.

*Negative*—Messrs. Albright, Anderson, Boddie, Cashwell, Clement, Hargrave, Jenkins, Latham, LeGrand, Linney, McCauley, McMillan, Morehead, Parish, Pegram, Selby, Shaw, Sugg, Waddell, Waring, Williamson, Worthy and Young—23.

Mr. Morehead moved to re-consider his vote. The motion prevailed.

Mr. C. M. Cooke moved to amend by inserting after the word "Capitol," the words "subject to the approval of the General Assembly."

The amendment prevailed, and the resolution, as amended, passed the second time.

The resolution was read the third time.

The yeas and nays being ordered, it passed the third time. Yeas 29, nays 12.

*Affirmative*—Messrs. Bell, Bryan, Busbee, Cantwell, Cashwell, C. M. Cooke, N. S. Cook, French, Graham, Hargrave, Irwin, Kerr, Latham, Love, Mabson, Marler, McElroy, Mills, Morehead, Paschall, Pegram, Shaw, Stickney, Sugg, Taylor, Waddell, Walker, Waring and Williamson—29.

*Negative*—Messrs. Albright, Anderson, Boddie, Clement, Holton, LeGrand, Linney, McMillan, Parish, Selby, Worthy and Young—12.

Mr. Cantwell moved to reconsider this vote, and then moved that the resolution to reconsider be laid upon the table. The motion prevailed.

S. B. No. 227, H. B. No. 174: A bill to be entitled an act to change the times of holding certain courts in the Eleventh District. The bill was read the second time.

The substitute, proposed by Mr. Mills, was adopted, and the bill passed the second time.

The bill was then read and passed the third time, the yeas and nays being dispensed with by consent.

Mr. Mills moved that the vote by which the bill passed its third reading be reconsidered, and that the motion to reconsider be laid upon the table. The motion prevailed.

S. R. No. 546: Resolution in favor of James H. Enniss, agent. The resolution was read and passed second and third times.

Special orders were acted upon as follows, to wit:

S. B. No. 469: A bill to be entitled an act to amend section 3, chapter 80, of Battle's Revisal. The bill was read the third time.

Mr. McMillan moved to amend by inserting the following proviso:

"*Provided*, That this act shall not apply to the counties of Alleghany, Ashe, Watauga, Alexander, Wilkes and Iredell."

Mr. Mabson moved to amend the amendment by adding "Edgecombe" after "Iredell."

Pending the consideration of the amendment, Mr. Latham moved the previous question, and the main question was ordered to be put.

The question recurring on the amendment to the amendment, it did not prevail.

The question then recurred on the amendment, which was rejected.

The question then recurring on the passage of the bill on its third reading, it passed the third time. Yeas 23, nays 20.

*Affirmative*—Messrs. Anderson, Bell, Boddie, Busbee, Clement, C. M. Cooke, French, Graham, Hargrave, Irwin, Jenkins, Kerr, Latham, McCauley, Morehead, Parish, Pegram, Selby, Shaw, Smith, Stickney, Sugg and Waddell—23.

*Negative*—Messrs. Albright, Bryan, Cantwell, Cashwell, N. S. Cook, Holton, LeGrand, Linney, Love, Mabson, Marler, McElroy, McMillan, Mills, Paschall, Taylor, Walker, Waring, Worthy and Young—20.

The Senate next proceeded to the consideration of the special order for 1 o'clock, to wit:

S. B. No. 233 and S. B. No. 289: Bills to protect the birds of North Carolina. The bills were read the second time.

The question recurred on the adoption of the substitute offered by the Committee on Agriculture, Mechanics and Mining.

Mr. McElroy moved to amend the substitute by adding the following proviso:

"*Provided further*, That the provisions of this act shall not apply to the counties of Buncombe and Madison."

The amendment prevailed.

Mr. Shaw moved to lay the bill upon the table.

The yeas and nays being ordered, on demand, the motion did not prevail. Yeas 21, nays 22.

*Affirmative*—Messrs. Anderson, Bell, Boddie, Bryan, Busbee, Clement, C. M. Cooke, Graham, Jenkins, Kerr, LeGrand, Mabson, McElroy, Paschall, Selby, Shaw, Stickney, Sugg, Waddell, Worthy and Young—21.

*Negative*—Messrs. Albright, Cantwell, Cashwell, N. S. Cook, French, Hargrave, Holton, Irwin, Latham, Linney, Love, McCauley, McMillan, Mills, Morehead, Parish, Pegram, Smith, Taylor, Walker, Waring and Williamson—22.

Mr. Selby offered this amendment: "except all the counties to the east of the Wilmington and Weldon Railroad."

The yeas and nays being ordered, the amendment did not prevail. Yeas 9, nays 33.

*Affirmative*—Messrs. Anderson, Bell, Bryan, Kerr, LeGrand, McElroy, Selby, Stickney and Sugg—9.

*Negative*—Messrs. Albright, Boddie, Busbee, Cantwell, Cashwell, Clement, N. S. Cook, French, Graham, Hargrave, Holton, Irwin, Jenkins, Latham, Linney, Love, Mabson, Marler, McCauley, McMillan, Mills, Morehead, Parish, Paschall, Pegram, Shaw, Smith, Taylor, Waddell, Walker, Waring, Williamson and Worthy—33.

Mr. Anderson moved to amend by adding the following:

"*Provided*, This act shall not apply to the counties of Stanly, Lincoln, Montgomery and Richmond."

The yeas and nays being ordered, the amendment was rejected. Yeas 11, nays 31.

*Affirmative*—Messrs. Anderson, Bell, Bryan, Graham, Jenkins, Latham, LeGrand, McElroy, Selby, Stickney and Young —11.

*Negative*—Messrs. Albright, Boddie, Busbee, Cantwell, Cashwell, Clement, N. S. Cook, French, Hargrave, Holton, Irwin, Linney, Love, Mabson, Marler, McCauley, McMillan, Mills, Morehead, Parish, Paschall, Pegram, Shaw, Smith, Sugg, Taylor, Waddell, Walker, Waring, Williamson and Worthy—31.

Mr. Parish then moved to amend by adding after the word "quail" in the substitute, "or any other birds, except crows, owls, hawks and eagles: *Provided*, This act shall not apply to persons killing birds or trapping or netting on their own lands."

Pending the consideration of this amendment, Mr. Bell moved that the Senate do now adjourn until 11 A. M. tomorrow.

The yeas and nays being ordered, the motion prevailed. Yeas 25, nays 18.

*Affirmative*—Messrs. Albright, Anderson, Bell, Boddie, Bryan, Cashwell, N. S. Cook, French, Graham, Holton, Irwin, Kerr, LeGrand, McCauley, McElroy, Morehead, Parish, Paschall, Shaw, Smith, Stickney, Sugg, Waddell, Waring and Young—25.

*Negative*—Messrs. Busbee, Cantwell, Clement, Hargrave, Jenkins, Latham, Linney, Love, Mabson, Marler, McMillan, Mills, Pegram, Selby, Taylor, Walker, Williamson and Worthy—18.

Thereupon the Senate stood adjourned until 11 A. M. tomorrow.

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## FORTY-EIGHTH DAY.

SENATE CHAMBER, February 6th, 1875.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

Leave of absence was granted to Mr. Pegram from to-day inclusive until Monday; and to Mr. Sugg for the same period.

A communication from W. H. Oliver, chairman of an adjourned meeting of the tax payers of Craven county, was received by the President, and was read and referred to the Joint Select Committee on Constitutional Reform.

Mr. Bell presented a petition to exempt J. R. Chamberlain, of Wilson county, North Carolina, from tax upon the sale of goods, which was read and referred to the Committee on Judiciary.

Mr. Taylor presented a petition from certain children of

Hendersonville, North Carolina, which was read and ordered to be filed with Senate bills Nos. 233 and 289.

The following named bills and resolutions were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows:

By Mr. Bell: A bill to be entitled an act to attach so much of Craven county as lies north and east of Adam's creek to Carteret county. To the Committee on Propositions and Grievances.

By Mr. Kerr: A bill to be entitled an act to allow the commissioners of Bladen county to levy a special tax. To the Committee on Propositions and Grievances.

By Mr. Cashwell: A bill to be entitled an act for the protection of public roads. To the Committee on Propositions and Grievances.

By Mr. Linney: A bill to be entitled an act to incorporate the town of Mount Mourne, in Iredell county. To the Committee on Corporations.

Bills and resolutions were acted upon, under a suspension of the rules, as follows:

S. R. No. 516: Resolution in regard to per diem for Principal and Reading Clerks. The resolution was read.

Mr. LeGrand moved to amend by striking out "Reading" and inserting "Engrossing" Clerk.

Mr. Williamson moved to lay the resolution on the table.

The motion to lay on the table prevailed.

S. B. No. 307: A bill to be entitled an act concerning pilots. The bill was read the second time.

Mr. Bell moved to postpone the further consideration of the bill, and make it the special order for Thursday, the 11th inst., at 12 M. The motion prevailed.

S. B. No. 337, H. B. No. 301: A bill to be entitled an act to amend chapter 155, public laws of 1873–'74.

The bill was read and passed the second and third times, the yeas and nays being dispensed with by consent.

S. B. No. 344, H. B. No. 280: A bill to be entitled an act to amend chapter 98, public laws of 1873–'74.

The bill was read and passed the second and third times, the yeas and nays being dispensed with by consent.

S. B. No. 456: A bill to be entitled an act for the better regulation of the Newbern Academy. The bill was read the second time.

Pending its consideration, Mr. Bell moved the previous question.

The yeas and nays being ordered, the call was sustained. Yeas 29, nays 6.

*Affirmative*—Messrs. Anderson, Bell, Clement, C. M. Cooke, French, Irwin, Jenkins, Kerr, Latham, LeGrand, Linney, Love, Marler, McCauley, McElroy, McMillan, Mills, Parish, Selby, Shaw, Smith, Stickney, Taylor, Waddell, Walker, Waring, Williamson, Worthy and Young—29.

*Negative*—Messrs. Bryan, Cantwell, Cashwell, N. S. Cook, Mabson and Paschall—6.

The main question being ordered to be put, the bill passed the second time.

The bill was then read and passed the third time. Yeas 31, nays 2.

*Affirmative*—Messrs. Anderson, Bell, Cantwell, Cashwell, Clement, C. M. Cooke, N. S. Cook, French, Irwin, Jenkins, Kerr, Latham, LeGrand, Linney, Love, Marler, McCauley, McElroy, McMillan, Mills, Parish, Shaw, Smith, Stickney, Taylor, Waddell, Walker, Waring, Williamson, Worthy and Young—31.

*Negative*—Messrs. Bryan and Mabson—2.

Mr. Bell moved to reconsider this vote, and then moved to lay that motion on the table. The motion to table prevailed.

Mr. Linney moved to suspend the rules, and take up S. B. No. 13: A bill to be entitled an act to establish a legal rate of interest, and to prevent usury.

The yeas and nays being ordered, the motion to suspend the rules did not prevail. Yeas 24, nays 11.

*Affirmative*—Messrs. Bell, Cashwell, Clement, C. M. Cooke, Holton, Latham, LeGrand, Linney, Love, Mabson, Marler, McElroy, McMillan, Parish, Paschall, Selby, Shaw, Smith, Taylor, Waddell, Walker, Williamson, Worthy and Young—24.

*Negative*—Messrs. Anderson, Cantwell, French, Graham, Irwin, Jenkins, Kerr, Morehead, Stickney and Waring—11.

The following named bill and amendments, reported as correctly engrossed by the Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence:

Senate amendments to H. B. No. 174, S. B. No. 227: A bill to be entitled an act to change the time of holding the courts in the eleventh district.

The following resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

Resolution to authorize the Engrossing Clerk of the House to employ additional clerical aid.

Resolution to pay Principal Clerks of each House for prepairing printed calendar.

A bill on its third reading was acted upon, as follows:

S. B. No. 13: A bill to be entitled an act to establish a legal rate of interest, and to prevent usury. The bill was read the third time.

Mr. LeGrand offered an amendment, in the nature of a substitute.

Mr. Anderson moved to amend the substitute by striking out all after the enacting clause, and inserting the following:

"Section 1. That the rate of interest in this State, when the same is not otherwise agreed on in writing by the parties, shall be six per centum per annum.

"Sec. 2. Whenever the parties to any note, bond or bill, or other contract or evidence of indebtedness which bears interest, shall agree upon any other rate of interest, whether the same be more or less than six per cent. per annum, and shall

insert the amount or rate of interest in the written contract, the same shall be legal and valid to all intents and purposes.

"SEC. 3. This act shall take effect from and after its ratification."

Mr. Morehead moved to refer the bill, together with the substitute and amendment, to the Judiciary Committee, with instructions to consider and report on Tuesday next, "whether State legislation on usury can affect the National Banks."

Pending the consideration of this motion, Mr. LeGrand moved the previous question.

The yeas and nays being ordered, the call for the previous question was not sustained. Yeas 14, nays 22.

*Affirmative*—Messrs. Clement, N. S. Cook, Holton, LeGrand, Linney, Mabson, Marler, McMillan, Paschall, Selby, Walker, Williamson, Worthy and Young—14.

*Negative*—Messrs. Anderson, Bell, Bryan, Cantwell, C. M. Cooke, French, Graham, Irwin, Jenkins, Kerr, Latham, Love, McCauley, Mills, Morehead, Parish, Shaw, Smith, Stickney, Taylor, Waddell and Waring—22.

Mr. Latham moved to lay the bill upon the table.

Mr. Morehead moved that the Senate do now adjourn.

The yeas and nays being ordered, the Senate refused to adjourn. Yeas 12, nays 24.

*Affirmative*—Messrs. Anderson, Bryan, Cantwell, Graham, Irwin, Jenkins, McCauley, Morehead, Paschall, Stickney, Walker and Waring—12.

*Negative*—Messrs. Bell, Cashwell, Clement, C. M. Cooke, N. S. Cook, French, Holton, Kerr, Latham, LeGrand, Linney, Love, Mabson, Marler, McElroy, Mills, Parish, Selby, Smith, Taylor, Waddell, Williamson, Worth and Young—24.

The question recurred on Mr. Latham's motion to table the bill.

The yeas and nays being ordered, the motion did not prevail. Yeas 14, nays 24.

*Affirmative*—Messrs. Anderson, Bell, Bryan, Cantwell, N.

S. Cook, French, Graham, Irwin, Jenkins, Kerr, Latham, Stickney, Waddell and Walker—14.

*Negative*—Mr. President, Messrs. Cashwell, Clement, C. M. Cooke, Holton, LeGrand, Linney, Love, Mabson, Marler, McCauley, McElroy, McMillan, Mills, Morehead, Parish, Paschall, Selby, Shaw, Smith, Waring, Williamson, Worthy and Young—24.

The question then recurred upon Mr. Morehead's motion to refer the bill to the Judiciary Committee with instructions to report on Tuesday next.

The yeas and nays being ordered, the motion did not prevail. Yeas 17, nays 21.

*Affirmative*—Messrs. Anderson, Bell, Bryan, C. M. Cooke, French, Graham, Irwin, Jenkins, Kerr, McCauley, Mills, Morehead, Parish, Smith, Stickney, Waddell and Waring—17.

*Negative*—Mr. President, Messrs. Cantwell, Cashwell, Clement, Holton, Latham, LeGrand, Linney, Love, Mabson, Marler, McElroy, McMillan, Paschall, Selby, Shaw, Taylor, Walker, Williamson, Worthy and Young—21.

Mr. Mabson moved that the Senate do now adjourn.

The yeas and nays being ordered, the Senate refused to adjourn. Yeas 6, nays 30.

*Affirmative*—Messrs. Bryan, Mabson, McCauley, Paschall, Stickney and Waddell—6.

*Negative*—Messrs. Bell, Cantwell, Cashwell, Clement, C. M. Cooke, French, Graham, Holton, Irwin, Jenkins, Kerr, Latham, LeGrand, Linney, Love, Marler, McElroy, McMillan, Mills, Morehead, Parish, Selby, Shaw, Smith, Taylor, Walker, Waring, Williamson, Worthy and Young—30.

The question recurred upon the amendment to the substitute.

Pending its consideration, Mr. Holton moved the previous question.

The yeas and nays being ordered, the call for the previous question was sustained. Yeas 20, nays 17.

*Affirmative*—Messrs. Cantwell, Cashwell, Clement, C. M. Cooke, N. S. Cook, Holton, LeGrand, Linney, Mabson, Marler,

McElroy, McMillan, Parish, Paschall, Selby, Shaw, Walker, Williamson, Worthy and Young—20.

*Negative*—Messrs. Anderson, Bell, Bryan, French, Graham, Irwin, Jenkins, Kerr, Latham, Love, McCauley, Morehead, Smith, Stickney, Taylor, Waddell and Waring—17.

Mr. Morehead moved to amend by adding as an additional section:

"SECTION —. Whenever this act, or any part thereof, shall be construed by the Supreme Court of this State, or by the Supreme Court of the United States, or the Circuit Court of the United States for North Carolina, not to affect the National Banks, this act shall cease and be of no effect."

The Chair ruled this amendment out of order, the previous question having been ordered.

On motion of Mr. Cantwell, the doorkeeper was directed to close the door to the Senate Chamber, and a call of the Senate was ordered.

The following Senators responded to their names:

Mr. President, Messrs. Anderson, Bryan, Cantwell, Cashwell, Clement, C. M. Cooke, N. S. Cook, French, Graham, Holton, Irwin, Jenkins, Latham, LeGrand, Linney, Love, Mabson, Marler, McCauley, McElroy, McMillan, Parish, Paschall, Selby, Shaw, Smith, Taylor, Waddell, Walker, Waring, Williamson, Worthy and Young—34.

Mr. Waring moved that the Senate do now adjourn.

The yeas and nays being ordered, the motion to adjourn did not prevail. Yeas 7, nays 23.

*Affirmative*—Messrs. Anderson, Bryan, Irwin, Jenkins, Mabson, McCauley and Waring—7.

*Negative*—Messrs. Cantwell, Cashwell, Clement, C. M. Cooke, N. S. Cook, Graham, Holton, Latham, LeGrand, Linney, Love, Marler, McMillan, Morehead, Selby, Shaw, Smith, Taylor, Waddell, Walker, Williamson, Worthy and Young—23.

The question recurred upon Mr. Anderson's amendment to the substitute.

The yeas and nays being ordered, the amendment did not prevail. Yeas 8, nays 26.

*Affirmative*—Messrs. Anderson, Bryan, Cantwell, N. S. Cook, French, Irwin, Jenkins and McCauley—8.

*Negative*—Mr. President, Messrs. Cashwell, Clement, C. M. Cooke, Graham, Holton, Latham, LeGrand, Linney, Love, Mabson, Marler, McElroy, McMillan, Morehead, Parish, Paschall, Selby, Shaw, Smith, Taylor, Waddell, Waring, Williamson, Worthy and Young—26.

Mr. Waring moved to reconsider the vote by which the previous question was ordered.

Mr. Linney moved to lay that motion upon the table.

The motion to table prevailed.

The question then recurred upon the amendment, in the nature of a substitute, offered by Mr. LeGrand.

The yeas and nays being ordered, the amendment, in the nature of a substitute, prevailed. Yeas 23, nays 13.

*Affirmative*—Mr. President, Messrs. Anderson, Bell, Cashwell, Clement, Holton, LeGrand, Linney, Love, Mabson, Marler, McElroy, McMillan, Parish, Paschall, Selby, Shaw, Taylor, Walker, Waring, Williamson, Worthy and Young —23.

*Negative*—Messrs. Bryan, Cantwell, C. M. Cooke, N. S. Cook, French, Graham, Irwin, Jenkins, Latham, McCauley, Morehead, Smith and Waddell—13.

The question then recurred upon the passage of the bill on its third and final reading.

Mr. Irwin moved that the Senate do now adjourn.

The yeas and nays being ordered, the motion did not prevail. Yeas 13, nays 22.

*Affirmative*—Messrs. Bryan, Cantwell, C. M. Cooke, N. S. Cook, French, Graham, Irwin, Jenkins, Latham, Mabson, McCauley, Morehead and Waring—13.

*Negative*—Messrs. Anderson, Bell, Cashwell, Clement, Hol-

ton, LeGrand, Linney, Love, Marler, McElroy, McMillan, Parish, Paschall, Selby, Shaw, Smith, Taylor, Waddell, Walker, Williamson, Worthy and Young—22.

The bill, as amended, then passed the third time. Yeas 22, nays 18.

*Affirmative*—Mr. President, Messrs. Cashwell, Clement, Holton, LeGrand, Linney, Love, Mabson, Marler, McElroy, McMillan, Morehead, Parish, Paschall, Selby, Shaw, Smith, Taylor, Walker, Williamson, Worthy and Young—22.

*Negative*—Messrs. Anderson, Bell, Boddie, Bryan, Busbee, Cantwell, C. M. Cooke, N. S. Cook, French, Graham, Irwin, Jenkins, Kerr, Latham, McCauley, Mills, Waddell and Waring —18.

Mr. Marler moved that the vote by which the bill passed its third reading be reconsidered.

Mr. Linney moved that the resolution to reconsider be laid upon the table.

Pending its consideration, Mr. Morehead moved that the Senate do now adjourn. The yeas and nays being ordered, the Senate refused to adjourn. Yeas 13, nays 19.

*Affirmative*—Messrs. Bell, Cantwell, C. M. Cooke, N. S. Cook, Graham, Irwin, Jenkins, Latham, Love, Mabson, McCauley, Morehead and Smith—13.

*Negative*—Messrs. Anderson, Cashwell, French, Holton, LeGrand, Linney, Marler, McElroy, McMillan, Parish, Paschall, Selby, Shaw, Taylor, Waddell, Walker, Williamson, Worthy and Young—19.

The question then recurred upon the motion to lay upon the table.

The yeas and nays being ordered, the motion to table did not prevail. Yeas 14, nays 21.

*Affirmative*—Messrs. Clement, Holton, LeGrand, Linney, Marler, McElroy, McMillan, Paschall, Selby, Shaw, Taylor, Williamson, Worthy and Young—14.

*Negative*—Messrs. Anderson, Bell, Bryan, Cantwell, Cashwell, C. M. Cooke, N. S. Cook, French, Graham, Irwin, Jen-

kins, Latham, Love, Mabson, McCauley, Morehead, Parish, Smith, Waddell, Walker and Waring—21.

The Senate then adjourned until 11 A. M. Monday.

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## FORTY-NINTH DAY.

SENATE CHAMBER, February 8th, 1875.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Atkinson.

The Journal of Saturday was read.

Corrections of the Journal being in order, Mr. Morehead moved that the Journal of Saturday be amended by having entered thereupon, the following amendment to S. B. No. 13, which he offered on Saturday, and which was ruled out of order:

"SECTION — Whenever this act or any part thereof shall be construed by the Supreme Court of this State, or by the Supreme Court of the United States, or the Circuit Court of the United States for North Carolina, not to affect the National Banks, this act shall cease and be of no effect."

The yeas and nays being ordered, the motion prevailed. Yeas 19, nays 15.

*Affirmative*—Messrs. Anderson, Bell, Bryan, Busbee, French, Graham, Irwin, Jenkins, Kerr, Latham, Love, McCauley, Selby, Shaw, Smith, Stickney, Taylor, Waddell and Waring—19.

*Negative*—Messrs. Cantwell, Cashwell, Clement, N. S. Cook, Holton, LeGrand, Linney, Marler, McElroy, McMillan, Paschall, Walker, Williamson, Worthy and Young—15.

Mr. French moved that the Journal of Saturday be further amended by having entered thereupon a certain amendment

to S. B. No. 13, which was offered by himself on Saturday and ruled out of order.

The yeas and nays being ordered, the motion did not prevail. Yeas 17, nays 20.

*Affirmative*—Messrs. Anderson, Bell, Busbee, French, Graham, Irwin, Jenkins, Kerr, Latham, Love, McCauley, Mills, Morehead, Smith, Stickney, Waddell and Waring—17.

*Negative*—Messrs. Cantwell, Cashwell, Clement, N. S. Cook, Holton, LeGrand, Linney, Mabson, Marler, McElroy, McMillan, Parish, Paschall, Selby, Shaw, Taylor, Walker, Williamson, Worthy and Young—20.

Mr. Bell asked and obtained leave to change his vote from the affirmative to the negative on the vote by which S. B. No. 13 passed the third time.

Mr. Busbee asked and obtained leave to record his vote in the negative on the vote by which S. B. No. 13 passed the third time.

Mr. Kerr asked and obtained leave to record his vote in the negative on the vote by which S. B. No. 13 passed the third time.

Mr. Mabson asked and obtained leave to record his vote in the negative on the vote by which the Senate refused to lay on the table the motion to reconsider the vote by which S. B. No. 13 passed the third time.

Mr. McMillan presented a petition from Ashe county concerning the Constitution, which was referred to the committee on Constitutional Reform.

Mr. Selby presented a memorial from citizens of Hyde county against the repeal of a certain liquor law, which was referred to the Committee on Propositions and Grievances.

Reports from Standing Committees were submitted as follows:

From Committee on Propositions and Grievances:

By Mr. Latham, S. B. No. 558: A bill to be entitled an act to allow the commissioners of Bladen county to levy a special tax, with a recommendation that it do pass.

S. B. No. 557: A bill to be entitled an act for the protection of public roads, with a recommendation that it do not pass.

S. B. No. 495: A bill to be entitled an act to prohibit the sale of intoxicating liquors within two miles of Beaver Dam depot, in Union county, with accompany amendments.

H. B. No. 436, S. B. No. 549: A bill to be entitled an act to amend an act entitled an act in relation to the meadows of Rockingham county, chapter 187, public laws of 1870–'71, with a recommendation that it do pass.

From Committee on Judiciary:

By Mr. Morehead, S. R. No. 310: Resolution to investigate the affairs of the Albemarle and Chesapeake Canal Company, with a recommendation that it be not adopted.

On motion, the resolution was laid upon the table.

The following named bills and resolutions were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows:

By message from the House of Representatives, H. B. No. 335: A bill to be entitled an act to authorize the chairman of the board of commissioners of Watauga county to make titles to town lots in certain cases. Placed on the calendar.

H. B. No. 307: A bill to be entitled an act to provide for the passage of fish in the Catawba, Dan and Mayo rivers. To the Committee on Propositions and Grievances.

H. B. No. 419: A bill to be entitled an act to amend an act to incorporate the Cheoah Turnpike Company by authorizing the construction of the branch road from Valley river, Cherokee county, to Haysville, Clay county. To the Committee on Internal Improvements.

H. B. No. 483: A bill to be entitled an act to incorporate the town of Yadkin College. To the Committee on Corporations.

H. B. No. 435: A bill to be entitled an act to revive the Board of Internal Improvements. To the Committee on Judiciary.

H. B. No. 496: A bill to be entitled an act to prevent live stock from running at large in Cabarrus and other counties. To the Committee on Propositions and Grievances.

By Mr. Shaw: A bill to be entitled an act to authorize the board of commissioners of Currituck county to issue bonds, and for other purposes. To the Committee on Judiciary.

By Mr. Love: Resolution concerning the North Carolina Railroad and Western North Carolina Railroad, referring certain documents to the "Special Joint Committee on Railroads," and that said committee report by bill or otherwise, so as to preserve and protect the interest of the State in these Railroads. Adopted.

By Mr. Cantwell: A bill to be entitled an act to revive and consolidate charter of Wilmington.

On motion by Mr. Cantwell, the bill was referred to the Joint Select Committee on Constitutional Reform.

A bill was acted upon, under a suspension of the rules, as follows:

S. B. No. 493: A bill to be entitled an act to incorporate the North Carolina State Grange Patrons of Husbandry.

The bill was read and passed the second and third times, the yeas and nays being dispensed with by consent.

The Senate resumed the consideration of the unfinished business of Saturday, to-wit:

S. B. No. 13: A bill to be entitled an act to establish a legal rate of interest and to prevent usury.

The question recurred upon the motion to reconsider the vote by which the bill passed the third time.

Pending the consideration of this motion, Mr. Marler moved the previous question.

The yeas and nays being ordered, the call was sustained. Yeas 23, nays 11.

*Affirmative*—Messrs. Bell, Cashwell, Clement, Graham, Holton, Kerr, LeGrand, Linney, Mabson, Marler, McElroy, McMillan, Parish, Paschall, Selby, Shaw, Smith, Stickney, Taylor, Walker, Williamson, Worthy and Young—23.

*Negative*—Messrs. Anderson, Bryan, Busbee, Cantwell, French, Irwin, Jenkins, Latham, Love, Waddell and Waring—11.

The main question being ordered, the question recurred upon the motion to reconsider.

The yeas and nays being ordered, the motion did not prevail. Yeas 18, nays 19.

*Affirmative*—Messrs. Anderson, Bell, Bryan, Busbee, Cantwell, French, Graham, Irwin, Jenkins, Kerr, Latham, Love, McCauley, Morehead, Smith, Stickney, Waddell and Waring—18.

*Negative*—Mr. President, Messrs. Cashwell, Clement, Holton, LeGrand, Linney, Mabson, Marler, McElroy, McMillan, Parish, Paschall, Selby, Shaw, Taylor, Walker, Williamson, Worthy and Young—19.

Thereupon Mr. Busbee presented the following protest which was read and ordered to be spread upon the Journal of the Senate:

"The undersigned protests against the passage of Senate Bill No. 13, entitled "An act to regulate the rate of interest and to prevent usury," without the incorporation of a provision that the forfeitures and penalties imposed by the act shall not apply to individuals and State corporations loaning money unless the same also apply to National Banks located in this State.

It has been decided by sundry judicial tribunals, outside of North Carolina, that the provisions of the act of Congress, commonly known as the "National Bank Act," in regard to usury, cannot be contravened or overridden by any State statute. This act of Congress fixes the penalty for a usurious contract by any National Bank at a forfeiture of the interest only. The provisions of Senate Bill No. 13, if these decisions rightfully interpret the law, will apply to loans made by individuals and State corporations, but not to loans made by National Banks. If

this be so, then the impropriety and injustice of this bill is manifest—a loan by an individual or a State corporation at a rate of interest greater than eight per cent. will work a forfeiture of double the interest and principal, and subject the offender to punishment by fine and imprisonment—a similar loan made by a National Bank will work only a forfeiture of interest.

The undersigned regard such legislation as this to be directly in the interest of National Banks, and calculated to throw all monetary transactions in North Carolina into their hands. In their opinion, to guard against such a possible defect, the bill should have been amended as above indicated, for otherwise it is in derogation of the rights of every individual and corporation in this State.

The majority in this Senate have had these facts called to their attention plainly and clearly ; but notwithstanding under the gag of the previous question and refusing to grant the minority an opportunity to offer such amendments as to said minority seemed absolutely necessary, they have seen fit to pass the bill—with them rests the responsibility.

The undersigned believe that in its present shape this bill may prove disastrous to the best interests of the people of this State, and so believing respectfully enter this, their protest.

(Signed) C. M. BUSBEE,
W. A. GRAHAM, Jr.
J. B. STICKNEY,
J. JENKINS,
R. P. WARING,
R. ANDERSON,
JAMES IRWIN,
L. R. WADDELL,
EDWIN W. KERR,
W. T. R. BELL,
W. FOSTER FRENCH,
CHARLES LATHAM,
J. D. STANDFORD,
G. W. PEGRAM.

The following named bills, amendments and resolutions, reported as correctly engrossed by the Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence :

S. B. No. 469 : A bill to be entitled an act to amend section 3, chapter 80, of Battle's Revisal.

S. R. No. 535: Resolution of inquiry concerning State cotton.

S. B. No. 456: A bill to be entitled an act for the better regulation of the Newbern Academy.

S. R. No. 546: Resolution in favor of J. H. Ennis, Agent.

On motion the Senate adjourned until 11 A. M. to-morrow.

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## FIFTIETH DAY.

SENATE CHAMBER, February 9th, 1875.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Marshall.

The Journal of yesterday was read.

Indefinite leave of absence was granted Mr. Hargrave, on account of sickness.

The Chair designated Messrs. Shaw and C. M. Cooke on the Senate Branch of the Joint Select Committee to investigate the affairs of the Albemarle and Chesapeake Canal Company.

Mr. Cantwell presented a memorial from Messrs. Porter and Coats, of Philadelphia. Referred to the Committee on Centennial.

Mr. Love presented a communication from the International Agency, Birmingham, England, to the commissioners of the Bureau of Immigration, concerning immigrants to this State.

Read, ordered to be printed and referred to the Committee on Immigration.

Reports from Standing Committees were submitted as follows:

From Committee on Propositions and Grievances:

By Mr. Latham, S. B. No. 561, H. B. No. 496: A bill to be entitled an act to prevent live stock from running at large within Cabarrus and certain other counties, with a recommendation that it do pass.

S. B. No. 510: A bill to be entitled an act to prevent the obstruction of fish in New Begum Creek, Pasquotank county, with a recommendation that it do not pass.

From Committee on Judiciary:

By Mr. Graham, S. B. No. 565, H. B. No. 435: A bill to be entitled an act to revive the Board of Internal Improvements, with a recommendation that it do pass.

By Mr. Kerr, S. B. No. 280: A bill to be entitled an act to authorize the city of Wilmington to issue bonds, with accompanying amendments.

From Joint Standing Committee on the Asylum for the Deaf and Dumb and the Blind:

By Mr. Anderson: A report, with accompanying bill. Ordered to be printed.

The following named bills and resolutions were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows:

By Mr. Busbee: A bill to be entitled an act to incorporate Orion Lodge, Wilmington, N. C. To the Committee on Corporations.

By Mr. Cantwell: A bill to be entitled an act concerning American Centennial. To the Committee on Centennial.

By Mr. Taylor: A bill to be entitled an act explanatory of an act prohibiting the sale of intoxicating liquors in townships where the people so determine, and for other purposes therein mentioned. To the Committee on Propositions and Grievances.

By Mr. Love: A bill to be entitled an act to prohibit the carrying of side arms. To the Committee on Judiciary.

By Mr. Parish: A bill to be entitled an act to incorporate Eno Grange, No. 134, Patrons of Husbandry. To the Committee on Corporations.

By Mr. Cashwell: A bill to be entitled an act to provide for building public school houses in North Carolina. To the Committee on Education.

By Mr. Cantwell: A bill to be entitled an act to protect the rights of third parties in attachment. To the Committee on Judiciary.

A bill to be entitled an act concerning Insurance Companies. To the Committee on Insurance.

By Mr. Bell: A bill to be entitled an act in relation to stewards of State Penal and Charitable Institutions. To the Committee on Penal Institutions.

Resolution as to abolishing the office of treasurer in all State Penal and Charitable Institutions. Read and adopted.

Bills on third reading were acted upon as follows:

S. B. No. 303: A bill to be entitled an act to change the time of sales-day.

The bill was read and passed the third time, the yeas and nays being dispensed with by consent.

S. B. No. 390: A bill to be entitled an act to incorporate the Southern Underwriters' Association.

The bill was read and passed the third time, the yeas and nays being dispensed with by consent.

At 12 M. the Senate proceeded to consider the special order for that hour, to-wit:

S. B. No. 135: A bill to be entitled an act to compromise and settle the public debt of the State.

The question recurring on the amendment to the substitute proposed by the committee, Mr. Mills moved that the further consideration of the bill be postponed and made the special order for to-morrow at five minutes past twelve o'clock. The motion prevailed.

Bills and resolutions were acted upon, under a suspension of the rules, as follows:

H. B. No. 397, S. B. No. 438: A bill to be entitled an act to lay off and establish the county of Coharie.

The bill was made the special order for to-morrow at 12 M.

S. B. No. 433: A bill to be entitled an act to incorporate the town of Middleton, in Hyde county.

The bill was read and passed the second and third times, the yeas and nays being dispensed with by consent.

S. B. No. 453: A bill to be entitled an act to incorporate the town of Shelby, Cleaveland county.

The bill was read the second time, and the amendments proposed by the Committee on Corporations adopted.

The bill, as amended, was then read and passed the third time, the yeas and nays being dispensed with by consent.

S. B. No. 320, H. B. No. 199: A bill to be entitled an act to amend chapter 12, Battle's Revisal, concerning Building Associations.

The bill was read and passed the second and third times, the yeas and nays being dispensed with by consent.

S. B. No. 426: A bill to be entitled an act to repeal so much of section 1, chapter 171, laws of 1872–'73, as relates to Pollocksville, Jones county.

The bill was read and passed the second and third times, the yeas and nays being dispensed with by consent.

S. B. No. 447: A bill to be entitled an act to prohibit the sale of spirituous liquors within three miles of Kitt's Swamp church.

The bill was read and passed the second and third times, the yeas and nays being dispensed with by consent.

S. B. No. 90: A bill to be entitled an act to amend an act entitled an act to charter the Carolina Narrow Gauge Railroad, ratified February 8th, 1872.

The bill was, on motion of Mr. Mills, re-committed to the Committee on Internal Improvements.

S. B. No. 509: A bill to be entitled an act to amend chapter 27, sections 11, 12, 13, 19, 22 and 29 of Battle's Revisal.

The bill was read the second time.

Mr. Parish offered an amendment which was adopted.

Mr. Marler offered an amendment.

Pending its consideration, Mr. Marler moved that the bill be laid upon the table.

The motion to table prevailed.

S. B. No. 552: A bill to be entitled an act to amend an act entitled an act to incorporate the town of Shoe Heel, in the county of Robeson. The bill was read the second time.

The amendment proposed by the Committee on Corporations was adopted.

The bill then passed the second time.

The bill was read and passed the third time.

H. B. No. 496, S. B. No. 561: A bill to be entitled an act to prevent live stock from running at large in Cabarrus and certain other counties.

The bill was read the second time and passed. Yeas 37, nays none.

*Affirmative*—Messrs. Anderson, Bell, Bryan, Busbee, Cantwell, Cashwell, Clement, N. S. Cook, French, Graham, Irwin, Jenkins, Jernigan, Latham, Linney, Love, Mabson, Marler, McCauley, McElroy, McMillan, Parish, Paschall, Pegram, Selby, Shaw, Standford, Stickney, Sugg, Taylor, Tucker, Waddell, Walker, Waring, Williamson, Worthy and Young—37.

*Negative*—None.

The following named bills, amendments and resolutions, reported as correctly engrossed by the Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence:

S. B. No. 390: A bill to be entitled an act to incorporate the Southern Underwriters' Association.

S. B. No. 493: A bill to be entitled an act to incorporate the North Carolina State Grange, Patrons of Husbandry.

S. B. No. 13: A bill to be entitled an act to regulate the rate of interest and to prevent usury.

The following bills and resolutions, reported as correctly en-

rolled by the Committee on Enrolled Bills, were duly ratified and transmitted to the office of Secretary of State:

An act authorizing the making a turnpike road in the county of Haywood.

An act to change the time of holding the Superior Courts of Hyde and Dare.

An act to alter and amend section 368, of chapter 17, of Battle's Revisal.

An act to amend chapter 155, public laws of 1873–'74.

An act to amend chapter 95, public laws of 1873–'74.

Mr. Waring asked and obtained leave to report H. B. No. 274, S. B. No. 331: A bill to be entitled an act to repeal section 17, of chapter 112, of Battle's Revisal, with a recommendation that it do pass.

On motion of Mr. Busbee, the rules were suspended, and the bill read the third time.

Pending its consideration, on motion, the Senate adjourned until 11 A. M. to-morrow.

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## FIFTY-FIRST DAY.

SENATE CHAMBER, February 10th, 1875.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

Leaves of absence were granted as follows:

To Mr. Anderson, indefinite leave;

To Mr. Latham, leave until Thursday next;

To Mr. Waddell, leave until Friday next.

Mr. Cantwell presented an account of the proceedings of a certain meeting in Wilmington, N. C., relative to the passage of the usury law, and moved that the same be transmitted to

the House of Representatives for its consideration. The motion to transmit prevailed.

Reports from Standing Committees were submitted as follows:

From Committee on Agriculture, Mechanics and Mining:

By Mr. Selby, S. B. No. 530: A bill to be entitled an act for the protection of farmers, with a recommendation that it do not pass.

S. B. No. 476, H. B. No. 360: A bill to be entitled an act to protect the stock of citizens of Forsythe county, with a recommendation that it do pass.

From the Committee on Propositions and Grievances:

By Mr. Latham, S. B. No. 555: A bill to be entitled an act to prevent the felling of trees in any of the water courses west of the Blue Ridge, and for other purposes, with a recommendation that it do not pass.

S. B. No. 559: A bill to be entitled an act to attach so much of Craven county as lies north and east of Adams' Creek to Carteret county, with a recommendation that it do pass.

From Committee on Judiciary:

By Mr. Waddell, S. B. No. 439, H. B. No. 314: A bill to be entitled an act to authorize the county of Carteret to compromise its debts, with a recommendation that it do pass.

By Mr. Jernigan, S. B. No. 564: A bill to be entitled an act to authorize the board of commissioners of Currituck county to issue bonds, and for other purposes, with a recommendation that it do pass.

By Mr. Linney, S. B. No. 468: A bill to be entitled an act to authorize the boards of commissioners of Guilford and Rockingham, to employ convict labor to drain certain lands in said counties, with a recommendation that it do pass.

By Mr. Kerr, S. B. No. 358: A bill to be entitled an act to amend section 53, chapter 17, sub-chapter 4, of Battle's Revisal, with a recommendation that it do pass.

From Committee on Corporations:

By Mr. Busbee, H. B. No. 483, S. B. No. 566: A bill to be

entitled an act to incorporate the town of Yadkin College, with a recommendation that it do pass.

S. B. No. 539: A bill to be entitled an act to incorporate the Albemarle Lodge, No. 74, Independent Order of Odd Fellows, with a recommendation that it do pass.

S. B. No. 542: A bill to be entitled an act to incorporate Whitaker's Mills, in Nash county, with a recommendation that it do pass.

S. B. No. 511: A bill to be entitled an act to incorporate "Direct Trade Union, Patrons of Husbandry," with a recommendation that it do pass.

H. B. No. 458, S. B. No. 548: A bill to be entitled an act to amend an act incorporating the town of Sanford, in the county of Moore, laws of 1873–'74, with a recommendation that it do pass.

S. B. No. 551: A bill to be entitled an act to incorporate the Rutherford Manufacturing Company, with a recommendation that it do pass.

S. B. No. 560: A bill to be entitled an act to incorporate the town of Mount Mourne, in Iredell county, with a recommendation that it do pass.

H. B. No. 79, S. B. No. 174: A bill to be entitled an act to incorporate Newbern Golden Link Lodge, No. 1632, Grand United Order of Odd Fellows, with a recommendation that it do pass.

H. B. No. 328, S. B. No. 463: A bill to be entitled an act to incorporate Golden Lyre Lodge, No. 1608, Grand United Order of Odd Fellows of Wilmington, North Carolina, with a recommendation that it do pass.

S. B. No. 209: A bill to be entitled an act to incorporate Mattamuskeet Lodge, A. F. A. 328, with a recommendation that it do pass.

By Mr. Marler, S. B. No. 481: A bill to be entitled an act to amend the charter of the town of Durham, in Orange county, with accompanying amendments.

The following named bills and resolutions were introduced,

read and passed first time, and were referred, or otherwise disposed of, as follows:

By Mr. Waring: A bill to be entitled an act to incorporate the Mecklenburg Centennial Association. To the Committee on Centennial.

By Mr. Graham: A bill to be entitled an act to authorize the election of an additional justice of the peace in Catawba Springs Township, Lincoln county, North Carolina. To the Committee on Judiciary.

By Mr. Bell: A bill to be entitled an act to amend the charter of the city of Newbern. To the Committee on Corporations.

By Mr. Parish: A bill to be entitled an act to encourage the raising of birds in North Carolina. To the Committee on Agriculture, Mechanics and Mining.

By Mr. French: A bill to be entitled an act to amend chapter 137, public laws of 1873–'74. Placed on the calendar.

By message from the House of Representatives, H. B. No. 503: A bill to be entitled an act to amend election laws. To the Committee on Privileges and Elections.

H. B. No. 326: A bill to be entitled an act to amend chapter 137, laws of 1873–'74. To the Committee on Judiciary.

H. B. No. 386: A bill to be entitled an act to allow the commissioners of Burke county to issue bonds. To the Committee on Propositions and Grievances.

H. B. No. 167: A bill to be entitled an act to incorporate the Board of Directors of the Hickory High School, in the county of Catawba. To the Committee on Corporations.

H. B. No. 393: A bill to be entitled an act to incorporate the town of Morrisville, in the county of Wake. To the Committee on Corporations.

H. B. No. 344: A bill to be entitled an act to amend chapter 39, of Battle's Revisal, entitled "Draining Wet Lands." To the Committee on Agriculture, Mechanics and Mining.

H. R. No. 141: Resolution in favor of Dismal Swamp Canal. To the Committee on Internal Improvements.

A message was received from the House of Representatives transmitting House amendments to H. B. No. 397, S. B. No. 367: A bill to be entitled an act concerning fences in Iredell and other counties.

The amendments were concurred in, and the bill was ordered to be enrolled.

At the expiration of the morning hour, the Senate resumed the unfinished business of yesterday, to-wit:

S. B. No. 331, H. B. No. 274: A bill to be entitled an act to repeal section 17, chapter 112, of Battle's Revisal. The bill was read the third time.

Pending its consideration, Mr. Bell called the previous question; and the main question being ordered to be put, the bill passed the third time. Yeas 19, nays 16.

*Affirmative*—Messrs. Bell, Busbee, Cashwell, Clement, Jernigan, Linney, Mabson, McElroy, Mills, Parish, Paschall, Pegram, Smith, Sugg, Tucker, Waddell, Walker, Worthy and Young—19.

*Negative*—Messrs. Anderson, Bryan, Cantwell, French, Hargrave, Holton, Irwin, Latham, LeGrand, Love, Marler, McCauley, McMillan, Morehead, Selby and Stickney—16.

The special orders were acted on as follows:

S. B. No. 454: A bill to be entitled an act to provide additional accommodation for the insane of the State. Made the special order for to-morrow at 12 M.

H. B. No. 379, S. B. 438: A bill to be entitled an act to lay off and establish the county of Coharie. The bill was read the second time.

Mr. Busbee moved to amend by striking out "Coharie" wherever it occurs and insert "Bragg."

Pending its consideration the bill was, on motion of Mr. Waddell, postponed and made the special order for Tuesday next, February 16th, at 12 M.

S. B. No. 135: A bill to be entitled an act to compromise and settle the public debt of the State. Made the special order for 12:05 to-morrow.

Bills were acted upon, under a suspension of the rules, as follows:

H. B. No. 314, S. B. No. 439: A bill to be entitled an act to authorize the county of Carteret to compromise its debts.

The bill was read and passed the second and third times, the yeas and nays being dispensed with by consent.

H. B. No. 279, S. B. No. 417: A bill to be entitled an act to incorporate the town of Marlboro', in the county of Pitt.

The bill was read second time.

The amendments proposed by the Committee on Corporations were adopted. The bill passed the second time.

The bill was then read and passed the third time, the yeas and nays being dispensed with by consent.

S. B. No. 481: A bill to be entitled an act to amend the charter of the town of Durham, in Orange county. The bill was read the second time.

The amendments proposed by the Committee on Corporations were adopted, and the bill passed the second time.

The bill was then read and passed the third time, the yeas and nays being dispensed with by consent.

S. B. No. 561, H. B. No. 460: A bill to be entitled an act to prevent live stock running at large in Cabarrus and certain other counties.

The bill was read the third time. The amendments proposed by the committee were adopted.

The bill then passed the third time. Yeas 32, nays none.

*Affirmative*—Messrs. Anderson, Bell, Busbee, Cantwell, Cashwell, Clement, N. S. Cook, French, Graham, Hargrave, Irwin, Jenkins, Jernigan, Latham, Linney, Love, Mabson, Marler, McCauley, McElroy, McMillan, Parish, Paschall, Pegram, Selby, Stickney, Sugg, Tucker, Waddell, Walker, Waring, Worthy and Young—32.

*Negative*—None.

The bill was ordered to be sent to the House of Representatives, without engrossment.

S. B. No. 582: A bill to be entitled an act to amend chapter 137, public laws of 1873–'74.

The bill was read and passed second and third times, the yeas and nays being dispensed with by consent.

S. B. No. 358: A bill to be entitled an act to amend section 53, chapter 17, sub-chapter 4, of Battle's Revisal.

The bill was read and passed second and third times, the yeas and nays being dispensed with by consent.

H. B. No. 180, S. B. No. 395: A bill to be entitled an act for the benefit of small farmers.

On motion of Mr. Bell, the bill was indefinitely postponed.

S. B. No. 209: A bill to be entitled an act to incorporate Matamuskeet Lodge, A. F. A. 328.

The bill was read and passed second and third times, the yeas and nays being dispensed with by consent.

S. B. No. 511: A bill to be entitled an act to incorporate the "Direct Trade Union, Patrons of Husbandry."

On motion the bill was postponed and made special order for Friday the 12th inst. at 12:30 P. M.

S. B. No. 392: A bill to be entitled an act to incorporate the North Carolina Border Railroad Company.

The bill was read second time. The amendment proposed by the Committee on Internal Improvements was adopted, and the bill passed the second time.

The bill was then read and passed the third time, the yeas and nays being dispensed with by consent.

S. B. No. 234: A bill to be entitled an act to repeal so much of chapter 137, laws of 1874, as relates to Jones county.

On motion, the bill was indefinitely postponed.

The following bill reported as correctly enrolled by Committee on Enrolled Bills, was duly ratified and transmitted to the office of the Secretary of State:

An act to amend an act entitled an act to consolidate an act incorporating the town of Lenoir, Caldwell county, and the acts amendatory thereof.

The Senate adjourned until 11 A. M. to-morrow.

## FIFTY-SECOND DAY.

SENATE CHAMBER, February 11th, 1875.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Rich.

The Journal of yesterday was read.

Leaves of absence were granted as follows:

To Mr. Stickney, leave until Thursday next, the 18th inst.

To Mr. N. S. Cook, leave until Monday the 15th inst.

To Mr. Cashwell, leave until Monday next.

To Mr. Mabson, leave until Tuesday the 16th inst.

Petitions were presented and disposed of as follows:

By Mr. Marler: Petition of some of the citizens of Dobson township, praying amendment to the prohibitory liquor law of that township. To the Committee on Propositions and Grievances.

By Mr. Jenkins: Petition of citizens of Cleaveland county to require all men between the ages of 16 and 50 years to work on public roads, ministers excepted. To the Committee on Propositions and Grievances.

By Mr. Cantwell: Petition from citizens of Harnett township, New Hanover county, relative to liquor prohibition. To Committee on Propositions and Grievances with instructions.

Mr. Cantwell presented the folllowing protest from citizens of the 12th Senatorial District relative to the usury law, which was read and ordered to be spread upon the Journal of the Senate:

"The undersigued, in behalf of himself and all the good people of the 12th Senatorial District, irrespective of race, color, condition, occupation, political denomination, sex or citizenship, solemnly and respectfully protest against the recent action of a majority of the Senate upon the subject of usury and restricting contracts for the hire of money, as detrimental

to the interests of said District, and the whole people of North Carolina, for the following reasons, viz:

The inhabitants of North Carolina—citizens—of adult age and under no disabilities have, under the amended Constitution of the United States, the same inherent and inalienable right to contract and be contracted with in regard to money, as any other thing of value, and to the same extent as is now allowed them, in regard to other contracts.

This act of the Senate attempts to restrict the right of contract in regard to money, and declaring the exercise thereof void and criminal; it imposes fines and penalties thereon, and exempts Building and Loan Associations from its operation, and is therefore, in effect, in the opinion of the undersigned, capricious, barbarous and tyranical; it is a violation of the Constitution; a breach of the treaty of peace and re-admission to the Union; an invasion of personal liberty and the reserved rights of the people; it fetters industry and commerce, and is especially hurtful to the agricultural, manufacturing and commercial interests of North Carolina, disastrous alike to the people at large and to the future resources of the State."

(Signed) EDWARD CANTWELL.

Reports from Standing Committees were submitted as follows:

From Committee on Internal Improvements:

By Mr. Waring, report concerning the investigation of the affairs of the Carolina Central Railway, on the charges brought by Judge Onderdonk. Read and ordered to printed.

By Mr. Mills, S. B. No. 90: A bill to be entitled an act to amend an act entitled an act to charter the Carolina Narrow Gauge Railroad, with a recommendation that it do pass.

From the Committee on Banks and Currency:

By Mr. Jenkins, S. B. No. 529: A bill to be entitled an act to incorporate the "Bank of Durham," with a recommendation that it do pass.

From the Committee on Centennial:

By Mr. Graham, S. B. No. 581: A bill to be entitled an act to incorporate the Mecklenburg Centennial Association, with a recommendation that it do pass.

From Committee on Propositions and Grievances:

By Mr. Parish, S. R. No. 579: Resolution as to abolishing the office of treasurer in all State Penal and Charitable Institutions, with accompanying bill, framed in compliance with the said resolution. Placed on the calendar.

The following named bills and resolutions were introduced, read and passed first time, and were referred, or otherwise disposed of as follows:

By message from the House of Representatives, H. B. No. 258: A bill to be entitled an act to incorporate the Deep River, Saxapahaw, and Danville Railroad Company. To the Committee on Internal Improvements.

By Mr. Cashwell: A bill to be entitled an act to provide for laying out lands. To the Committee on Judiciary.

By Mr. McElroy: Resolution in favor of the sureties of Jessie Sumner, late sheriff of Buncombe county. To the Committee on Propositions and Grievances.

By Mr. Jenkins: Resolution urging Congress to extend aid to the Southern Pacific Railway, from San Deigo to Wilmington, N. C. To the Committee on Internal Improvements, and ordered to be printed.

By Mr. McCauley: A bill to be entitled an act to charter the "Monroe and Lancaster Narrow Gauge Railroad." To the Committee on Internal Improvements.

The consideration of general orders being in order, the Senate proceeded to consider S. R. No. 297, H. R. No. 79: Resolution urging the repeal by Congress of the tax on issues of State Banks. The resolution was read.

Pending its consideration, the Chair announced that the hour had arrived for the special order, to-wit:

S. B. No. 307: A bill to be entitled an act concerning pilots. The bill was read the second time.

Pending its consideration, Mr. Bell called the previous question.

The main question being ordered, and the yeas and nays required, the bill was rejected. Yeas 14, nays 15.

*Affirmative*—Messrs. Albright, Bryan, Cantwell, French, Jernigan, Mabson, Marler, McMillan, Paschall, Selby, Shaw, Tucker, Walker and Worthy—14.

*Negative*—Messrs. Bell, Cashwell, Clement, Graham, Irwin, Jenkins, LeGrand, Linney, Love, McElroy, Mills, Pegram, Taylor, Waring and Young—15.

Bills were acted upon, under a suspension of the rules, as follows:

S. B. No. 454: A bill to be entitled an act to provide additional accommodation for the insane of the State. Made special order for Saturday, the 13th instant, at 12 M.

S. B. No. 564: A bill to be entitled an act to authorize the board of commissioners of Currituck county to issue bonds, and for other purposes. The bill was read and passed the second time. Yeas 30, nays none.

*Affirmative*—Messrs. Albright, Cantwell, Cashwell, Clement, French, Graham, Jenkins, Jernigan, LeGrand, Linney, Love, Marler, McCauley, McElroy, McMillan, Mills, Morehead, Paschall, Pegram, Selby, Shaw, Smith, Stickney, Sugg, Taylor, Tucker, Walker, Waring, Worthy and Young—30.

*Negative*—None.

S. B. No. 468: A bill to be entitled an act to authorize the boards of commissioners of Guilford and Rockingham to employ convict labor to drain certain lands in said counties.

The bill was read and passed the second and third times, the yeas and nays being dispensed with by consent.

S. B. No. 90: A bill to be entitled an act to amend an act entitled an act to charter the Carolina Narrow Gauge Railroad. The bill was read the second time.

The amendment proposed by the Committee on Internal Improvements was adopted, and the bill passed the second time. The bill was read the third time.

Mr. Graham moved to amend by adding the following:

"Whenever the people of Catowba county shall subscribe $40,000 in solvent subscription to the capital stock of this road, this bill shall be of no effect, provided such subscription is made before the road is graded to the borders of Catawba county, from the Lincoln side."

Mr. Mills moved to amend the amendment by adding "or on the side from Caldwell."

Mr. French moved that the further consideration of the bill be postponed and made the special order for to-morrow at 11:30 A. M.

The motion to postpone prevailed.

The following named bills, amendments and resolutions, reported as correctly engrossed by Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence:

S. B. No. 303: A bill to be entitled an act to change the time of salesday.

S. B. No. 426: A bill to be entitled an act to repeal so much of section 1, chapter 171, laws 1872–'73, as relates to Pollocksville, Jones county.

S. B. No. 552: A bill to be entitled an act to amend an act to incorporate the town of Shoe Heel, in the county of Robeson.

S. B. No. 447: A bill to be entitled an act to prohibit the sale of spirituous liquors within three miles of Kitt Swamp church.

S. B. No. 433: A bill to be entitled an act to incorporate the town of Middleton, in Hyde county.

S. B. No. 453: A bill to be entitled an act to incorporate the town of Shelby, in Cleaveland county.

Senate amendments to H. B. No. 279, S. B. No. 417: A bill to be entitled an act to incorporate the town of Marlboro, in the county of Pitt.

The Senate adjourned until 11 A. M., to-morrow.

## FIFTY-THIRD DAY.

SENATE CHAMBER, February 12th, 1875.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Mangum.

The Journal of yesterday was read.

Leaves of absence were granted as follows:

To President Armfield, leave until Tuesday next;

To Mr. Smith, leave until Tuesday next;

To Mr. Paschall, leave until Tuesday next;

To Mr. Holton, leave until Monday next.

Mr. Love tendered his resignation of the Chairmanship of the Joint Standing Committee on Penal Institutions, because of ill health. His resignation was accepted, and Mr. Marler appointed in his stead.

Reports from Standing Committees were submitted as follows:

From Committee on Propositions and Grievances:

By Mr. Parish, S. B. No. 568, H. B. No. 307: A bill to be entitled an act to provide for the passage of fish in the Catawba, Dan and Mayo rivers, with a recommendation that it do pass.

S. B. No. 500, H. B. No. 186: A bill to be entitled an act to amend chapter 137, of the laws of 1873–'74, with a recommendation that it do pass.

S. B. No. 576: A bill to be entitled an act explanatory of an act prohibiting the sale of intoxicating liquors in townships where the people so determine, and for other purposes therein mentioned, with a recommendation that it do not pass.

By Mr. Latham, S. B. 558: A bill to be entitled an act to allow the commissioners of Bladen county to levy a special tax, with a recommendation that it do pass.

The following named bills and resolutions were introduced,

read and passed first time, and were referred, or otherwise disposed of, as follows:

By message from the House of Representatives, H. B. No. 436: A bill to be entitled an act to incorporate the Roanoke Valley Railroad Company. To the Committee on Internal Improvements.

H. R. No. 76: Resolution in favor of the salary of Judge McKay, Judge of 3rd Judicial District. To the Committee on Claims.

Engrossed amendments to S. B. No. 143, H. B. No. 443: A bill to incorporate the Yadkin River and Wilkesboro Navigation Company. Placed on the calendar.

By Mr. Linney: A bill to be entitled an act supplemental to the charter of the town of Statesville, Iredell county. To the Committee on Corporations.

By Mr. Parish: A bill to be entitled an act to allow the trustees of Bingham township, in Orange county, to collect arrears of taxes. To the Committee on Propositions and Grievances.

By Mr. Kerr: A bill to be entitled an act to amend section 1, chapter 182, of laws of 1873–'74. To the Committee on Judiciary.

By Mr. French: Resolution in favor of W. H. Morris & Co. Adopted.

By Mr. Waring: A bill to be entitled an act to enforce the performance of contracts. To the Committee on Judiciary.

By Mr. McCauley: A bill to be entitled an act providing for a fence law in the counties of Union and Anson. To the Committee on Propositions and Grievances.

By Mr. Sugg: A bill to be entitled an act to prohibit the sale of spirituous liquors within two miles of Lenoir Institute, in the county of Lenoir. To the Committee on Propositions and Grievances.

Mr. Waring moved to reconsider the vote by which the Senate on yesterday rejected S. B. No. 307: A bill to be enti-

tled an act concerning pilots, and that that motion be postponed, and made the special order for to-night at 8 P. M.

The motion to postpone the motion to reconsider prevailed.

At a quarter past 12 M. the Senate took a recess for an half hour.

The Senate proceeded to consider the unfinished business of yesterday, to-wit:

H. R. No. 79, S. R. 297: Resolution urging the repeal by Congress of the tax on issues of State Banks.

The resolution was read and adopted.

The special orders for to-day were acted upon as follows:

S. B. No. 90: A bill to be entitled an act to amend an act to charter the Carolina Narrow Gauge Railroad.

The question recurring upon the amendment to the amendment, the amentment prevailed.

The question then recurring upon the amendment, as amended, it was adopted.

The question then recurred upon the passage of the bill on its third reading.

The yeas and nays being required, the bill was rejected. Yeas 12, nays 17.

*Affirmative*—Messrs. Albright, Bell, Cantwell, Clement, French, Linney, Love, McElroy, McMillan, Mills, Taylor and Young—12.

*Negative*—Messrs. Bryan, C. M. Cooke, Graham, Irwin, Jenkins, Kerr, LeGrand, Marler, McCauley, Parish, Selby, Sneed, Sugg, Tucker, Walker, Waring and Worthy—17.

Mr. Cooke, of Franklin, moved that the vote just had be reconsidered. The motion prevailed.

The Senate then entered upon the consideration of the next special order, to-wit:

S. B. No. 511: A bill to be entitled an act to incorporate Direct Trade Union, Patrons of Husbandry.

The bill was read and passed the second and third times, the yeas and nays being dispensed with by consent.

The special order for 12:45, to-wit:

S. B. No. 135: A bill to be entitled an act to compromise, commute and settle the public debt of the State, was postponed and made the special order for to-morrow at 12 o'clock.

A bill, on its third reading, was acted on as follows, to-wit:

S. B. No. 564: A bill to be entitled an act to authorize the commissioners of Currituck to issue bonds, and for other purposes. The bill was read and passed the third time. Yeas 37, nays none.

*Affirmative*—Messrs. Albright, Bell, Bryan, Busbee, Cantwell, Clement, C. M. Cooke, N. S. Cook, Graham, Hargrave, Holton, Irwin, Jenkins, Jernigan, Kerr, LeGrand, Linney, Love, Marler, McCauley, McElroy, McMillan, Mills, Morehead, Parish, Paschall, Pegram, Selby, Shaw, Sneed, Standford, Sugg, Taylor, Tucker, Walker, Waring and Worthy —37.

*Negative*—None.

Bills and resolutions were acted upon, under a suspension of the rules, as follows:

S. B. No. 135: A bill to be entitled an act to compromise, commute and settle the public debt of the State.

The bill was made the special order for 12:45 to-day.

S. B. No. 519, H. B. No. 347: A bill to be entitled an act concerning the city of Raleigh. The bill was read the second time.

The amendments proposed by the Committee on Corporations were adopted.

Mr. Tucker offered an amendment in the following words:

"That this bill shall not become a law until it shall have been submitted to all the voters in the city of Raleigh."

The yeas and nays being required, the amendment was rejected. Yeas 8, nays 27.

*Affirmative*—Messrs. Bryan, Cantwell, Holton, Paschall, Sneed, Taylor, Tucker and Walker—8.

*Negative*—Messrs. Albright, Bell, Busbee, Clement, C. M.

Cooke, Graham, Hargrave, Irwin, Jenkins, Jernigan, Linney, Love, Marler, McCauley, McElroy, McMillan, Mills, Morehead, Parish, Pegram, Shaw, Smith, Standford, Sugg, Waring, Worthy and Young—27.

Mr. Cantwell moved to amend by striking out in section 4 the words "ninety," and inserting "thirty" days, wherever "ninety" days occurs.

The amendment did not prevail, and the bill passed the second time.

The bill was then read and passed the third time. Yeas 29, nays 6.

*Affirmative*—Messrs. Albright, Bell, Busbee, Clement, C. M. Cooke, French, Graham, Hargrave, Irwin, Jenkins, Jernigan, Kerr, Linney, Love, Marler, McCauley, McElroy, McMillan, Morehead, Parish, Pegram, Selby, Shaw, Smith, Standford, Sugg, Waring, Worthy and Young—29.

*Negative*—Messrs. Bryan, Cantwell, Paschall, Taylor, Tucker and Walker—6.

S. B. No. 372: A bill to be entitled an act to incorporate Piney Creek Baptist church, in Alleghany county.

The bill was read and passed the second and third times, the yeas and nays being dispensed with by consent.

S. B. No. 558: A bill to be entitled an act to allow the commissioners of Bladen county to levy a special tax.

The bill was read and passed the second time. Yeas 30, nays none.

*Affirmative*—Messrs. Albright, Bell, Bryan, Cantwell, Clement, French, Graham, Hargrave, Jenkins, Jernigan, Kerr, LeGrand, Love, Marler, McCauley, McElroy, McMillan, Parish, Paschall, Pegram, Selby, Shaw, Standford, Sugg, Taylor, Tucker, Walker, Waring, Worthy and Young—30.

*Negative*—None.

S. B. No. 346, H. B. No. 242: A bill to be entitled an act to amend chapter 137, section 1, laws 1873-'74.

The bill was read and passed the second and third times, the yeas and nays being dispensed with by consent.

S. B. No 349: A bill to be entitled an act to amend an act ratified the 28th of December, 1838, entitled "an act to amend an act entitled an act to establish a literary and manual labor institution in the county of Wake, passed in 1833. The bill was read the second time.

The amendment, proposed by the Committee on Corporations, was adopted, and the bill passed second time.

The bill was then read and passed the third time, the yeas and nays being dispensed with by consent.

S. B. No. 419, H. B. No. 293: A bill to be entitled an act to prohibit the sale of intoxicating liquors within two and a half miles of Hank's Chapel church, in the county of Chatham.

The bill was read and passed second and third times, the yeas and nays being dispensed with by consent.

S. B. No. 427: A bill to be entitled an act to prohibit the sale of intoxicating liquors within one mile of Pleasant Hill Baptist church, Cleaveland county.

The bill was read and passed the second and third times, the yeas and nays being dispensed with by consent.

S. B. No. 429: A bill to be entitled an act to incorporate the Bank of Durham.

The bill was read and passed the second and third times, the yeas and nays being dispensed with by consent.

The following named bills, amendments and resolutions, reported as correctly engrossed by the Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence:

S. B. No. 209: A bill to be entitled an act to incorporate Mattamuskeet Lodge, A. F. A., 328.

S. B. No. 358: A bill to be entitled an act to amend section 53, chapter 4, of Battle's Revisal.

S. B. No. 392: A bill to be entitled an act to incorporate the North Carolina Border Railroad Company.

S. B. No. 582: A bill to be entitled an act to amend chapter 137, public laws of 1873–'74.

Senate amendments to S. B. No. 519: A bill to be entitled an act concerning the city of Raleigh.

The following bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

An act to prevent live stock from running at large within Cabarrus and certain other counties.

An act to repeal section 17 of chapter 112, of Battle's Revisal.

An act to amend chapter 12, Battle's Revisal, concerning Building Associations.

An act concerning fences in Iredell and certain other counties.

On motion, the Senate adjourned until 7:30 P. M. to-day.

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## EVENING SESSION.

SENATE CHAMBER, February 12th, 1875.

The Senate met pursuant to adjournment at 7:30 P. M., Senator Busbee in the chair.

Leave of absence was granted Mr. Shaw until the 20th inst.

A bill, on its third reading, was acted upon as follows:

S. B. No. 90: A bill to be entitled an act to amend the charter of the Carolina Narrow Gauge Railroad.

Mr. Love moved to amend by adding:

"*Provided*, That the subscriptions on the part of Catawba county, and the citizens thereof, shall not be expended outside of said county except by their consent."

The amendment prevailed.

The bill then passed the third time. Yeas 21, nays 10:

*Affirmative.*—Messrs. Albright, Bell, Cantwell, Clement, C.

M. Cooke, French, Linney, Love, Marler, McElroy, McMillan, Mills, Paschall, Selby, Shaw, Sugg, Taylor, Waddell, Walker, Worthy and Young—21.

*Negative.*—Messrs. Graham, Irwin, Jernigan, Kerr, LeGrand, McCauley, Parish, Smith, Sneed and Tucker—10.

Mr. Love moved to reconsider the vote just had, and to lay that motion on the table. The motion to table prevailed.

At 8 o'clock the Chair announced that the hour had arrived for the special order, to-wit:

S. B. No. 307: A bill to be entitled an act concerning pilots.

On motion of Mr. Selby, the bill was postponed and made the special order for next Friday, the 19th inst., at 11:30, A. M.

Bills were acted upon, under a suspension of the rules, as follows:

S. B. No. 406: A bill to be entitled an act to amend the charter of the town of Beaufort.

The bill was read and passed second and third time, the yeas and nays being dispensed with by consent.

S. B. No. 560: A bill to be entitled an act to incorporate the town of Mount Mourne, in Iredell county.

The bill was read and passed second and third times, the the yeas and nays being dispensed with by consent.

The consideration of general orders being in order, resolutions were acted upon, as follows:

S. R. No. 480: Resolution in favor of asking Congress to remove the tariff off of tobacco. Laid upon the table.

S. R. No. 487: Resolution to adjourn *sine die* February 15th. Laid upon the table.

S. R. No. 501, H. R. No. 114: Resolution requiring Joint Committee on Public Debt to ascertain at what price the construction railroad bonds issued by the State, can be foreclosed or taken up, &c. Referred to the Joint Select Committee on the Public Debt.

S. R. No. 400: Resolution in favor of James I. Moore, sheriff of Granville county.

Mr. C. M. Cooke moved to amend by adding:

"*Provided*, The above sum shall not be paid until the penalty incurred by T. F. Lee for failure to settle State taxes for the years 1873–'74, be paid into the State Treasury."

Pending its consideration, Mr. Albright called the previous question, and the main question was ordered to be put.

The question recurring on the amendment offered by Mr. C. M. Cooke, the amendment prevailed.

The question then recurring upon the resolution, as amended, it was adopted. Yeas 16, nays 15.

*Affirmative*—Messrs. Albright, Bell, Cantwell, Clement, C. M. Cooke, French, Linney, Marler, McElroy, Mills, Paschall, Sneed, Standford, Tucker, Walker and Young—16.

*Negative*—Messrs. Graham, Irwin, Jenkins, Kerr, LeGrand, Love, McCauley, McMillan, Parish, Smith, Sugg, Taylor, Waddell, Waring and Worthy—15.

On motion, the Senate then adjourned until 11 A. M. tomorrow.

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## FIFTY-FOURTH DAY.

SENATE CHAMBER, February 13th, 1875,

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Jurney.

The Journal of yesterday was read.

Leave of absence was granted Mr. Cantwell until Thursday.

Petitions were presented and disposed of as follows:

By Mr. Peebles: Petition against prohibiting the sale of liquor at Rich Square, in Northampton county. To the Committee on Propositions and Grievances.

By Mr. Kerr: Petition from citizens of Craven county, ordered to be filed with the bill to attach a part of Craven county to Carteret county.

Reports from Standing Committees were submitted as follows:

From Committee on Corporations:

By Mr. Busbee, S. B. No. 591: A bill to be entitled an act to amend the charter of the city of Newbern, with a recommendation that it do pass.

From Committee on Propositions and Grievances:

By Mr. Parish, S. B. No. 600: A bill to be entitled an act to allow the trustees of Bingham township, in Orange county, to collect arrears of taxes, with a recommendation that it do pass.

S. B. No. 603: A bill to be entitled an act to prohibit the sale of spirituous liquors within two miles of Lenoir Institute, in the county of Lenoir, with a recommendation that it do pass.

S. B. No. 601: A bill to be entitled an act providing for a fence law in the counties of Union and Anson, with accompanying amendment.

From Committee on Education:

By Mr. Bell, H. B. No. 306, S. B. No. 461: A bill to be entitled an act to incorporate the Western North Carolina Female College, with a recommendation that it do pass.

S. B. No. 571: A bill to be entitled an act to provide for building public school houses in North Carolina, with a recommendation that it do not pass.

From Committee on Internal Improvements:

By Mr. Love, S. B. No. 533: A bill to be entitled an act to lay out and construct a public road from Edwin D. Greers' Store to Jefferson, in Ashe county, with a recommendation that it do not pass.

H. B No. 19, S. B. No. 175: A bill to be entitled an act to repeal section 4, chapter 164, of laws of 1850–'51, entitled

"an act to amend an act to incorporate the Caldwell and Ashe Turnpike Company, with a recommendation that it do pass.

By Mr. Mills, S. B. No. 539: A bill to be entitled an act in relation to taxation in Burke and McDowell counties, with a recommendation that it do pass.

By Mr. Waring, H. B. No. 433, S. B. No. 547: A bill to be entitled an act to amend an act entitled "an act to amend the charter of the Cheoah Turnpike Company," with a recommendation that it do pass.

H. B. No. 419, S. B. No. 567: A bill to be entitled an act to amend an act to incorporate the Cheoah Turnpike Company, by authorizing the construction of the branch road from Valley river, Cherokee county, to Haysville, Clay county, with a recommendation that it do pass.

From the Committee on Agriculture, Mechanics and Mining:

By Mr. Selby: Report of Prof. Kerr on the geology of North Carolina, with a recommendation that the report be received.

The report was adopted.

The following named bills and resolutions were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows:

By Mr. Peebles: A bill to be entitled an act repealing the law of liens on crops in favor of those making advances other than landlords. To the Committee on Judiciary.

By Mr. Mills: A bill to be entitled an act to repeal chapter 138, laws of 1871–'72. To the Committee on Internal Improvements.

By Mr. Cook, of Franklin: A bill to be entitled an act to amend section 12, chapter 100, Battle's Revisal. To the Committee on Judiciary.

By Mr. Waring: A bill to be entitled an act to amend section 11, chapter 53, of Battle's Revisal, entitled guardian and ward. To the Committee on Judiciary.

By Mr. French: A bill to be entitled an act to incorporate the Robeson County Agricultural Society. To the Committee on Corporations.

By Mr. Busbee: A bill to be entitled an act concerning corporations. Placed on the calendar.

By Mr. Selby: A bill to be entitled an act to levy a special tax for Hyde county. Placed on the calendar.

By Mr. Busbee: Resolution concerning the funeral expenses of the late Governor Tod R. Caldwell. The resolution was read.

The yeas and nays being required, the resolution was adopted. Yeas 18, nays 15.

*Affirmative*—Messrs. Bryan, Busbee, C. M. Cooke, French, Graham, Jernigan, LeGrand, McElroy, Mills, Peebles, Selby, Sneed, Taylor, Tucker, Walker, Waring, Williamson and Young—18.

*Negative*—Messrs. Albright, Bell, Clement, Hargrave, Irwin, Kerr, Linney, Love, Marler, McCauley, McMillan, Parish, Pegram, Waddell and Worthy—15.

By message from the House of Representatives, H. B. No. 4: A bill to be entitled an act for the more effectual prosecution of offenders against the criminal laws of the State. To the Committee on Judiciary.

The special orders for to-day were acted upon as follows, to-wit:

S. B. No. 135: A bill to be entitled an act to compromise and settle the public debt of the State. Postponed and made the special order for Monday, the 15th instant, at 12 M.

S. B. No. 454: A bill to be entitled an act to provide additional accommodation for the insane of State. Postponed and made the special order for Monday, the 15th instant, at 11:40 A. M.

The consideration of general orders being in order, the Senate proceeded to consider S. R. No. 503, H. R. No. 126: Resolution as to vacant lots in the city of Raleigh belonging to the State.

The resolution was read, and, on motion, referred to the Committee on the Deaf, Dumb and Blind Asylum.

Bills were acted upon, under a suspension of the rules, as follows:

S. B. No. 425: A bill to be entitled an act to authorize the board of commissioners of Moore county to levy a special tax for county purposes. The bill was read and passed the second time. Yeas 27, nays none.

*Affirmative*—Messrs. Albright, Clement, C. M. Cooke, Graham, Hargrave, Jenkins, Jernigan, Kerr, Love, Marler, McCauley, McElroy, McMillan, Mills, Parish, Peebles, Pegram, Selby, Sneed, Standford, Taylor, Waddell, Walker, Waring, Williamson, Worthy and Young—27.

*Negative*—None.

S. B. No. 558: A bill to be entitled an act to allow the commissioners of Bladen county to levy a special tax. The bill was read and passed the third time. Yeas 31, nays none.

*Affirmative*—Messrs. Albright, Bryan, Clement, C. M. Cooke, French, Graham, Hargrave, Irwin, Jenkins, Jernigan, Kerr, Love, Marler, McCauley, McElroy, McMillan, Mills, Parish, Peebles, Pegram, Selby, Sneed, Standford, Taylor, Tucker, Waddell, Walker, Waring, Williamson, Worthy and Young—31.

*Negative*—None.

S. B. No. 566, H. B. No. 483: A bill to be entitled an act to incorporate the town of Yadkin College.

The bill was read and passed the second and third times, the yeas and nays being dispensed with by consent.

House amendment to S. B. No. 143, H. B. No. 443: A bill to be entitled an act to incorporate the Yadkin River and Wilkesboro' Navigation Company. The amendment was concurred in.

S. B. No. 471: A bill to be entitled an act to incorporate the Wilmington, Raleigh and Danville Railroad. The bill was read the second time.

The amendment, proposed by the Committee on Internal Improvements, prevailed.

Mr. Kerr moved to amend by inserting the words:

"That said company shall begin operations within twelve months from the ratification of this act, or the charter of said company shall be forfeited,"

At the end of section — in said bill.

The amendment prevailed, and the bill passed the second time.

The bill was then read and passed the third time, the yeas and nays being dispensed with by consent.

H. B. No. 188, S. B. No. 497: A bill to be entitled an act in favor of the contractors and employees of the Marion and Asheville Turnpike. The bill was read the second time.

Mr. McCauley moved to refer to the Committee on Judiciary.

The motion did not prevail, and the bill passed the second time. Yeas 27, nays 4.

*Affirmative*—Messrs. Albright, Bell, Bryan, Busbee, Clement, French, Irwin, Kerr, LeGrand, Linney, Love, Marler, McElroy, McMillan, Mills, Parish, Peebles, Pegram, Sneed, Standford, Taylor, Tucker, Waddell, Walker, Williamson, Worthy and Young—27.

*Negative*—Messrs. Hargrave, McCauley, Selby and Waring—4.

S. B. No. 600: A bill to be entitled an act to allow the trusteess of Bingham township, in Orange county, to collec- arrears of tax.

The bill was read and passed the second and third times, the yeas and nays being dispensed with by consent.

The Senate adjourned until 11 A. M. Monday.

## FIFTY-FIFTH DAY.

SENATE CHAMBER, February 15th, 1875.

The Senate met pursuant to adjournment, Mr. Standford in the chair.

The Journal of Saturday was read.

The Chair designated Mr. Parish as an additional member of the Committee on Engrossed Bills.

Indefinite leave of absence was granted Mr. Hargrave, on account of illness.

Reports from Standing Committees were submitted as follows:

From Committee on Corporations:

By Mr. Busbee, S. B. No. 570: A bill to be entitled an act to incorporate Orion Lodge, No. 67, Independent Order of Odd Fellows, of Wilmington, N. C., with a recommendation that it do pass.

S. B. No. 604: A bill to be entitled an act supplemental to the charter of the town of Statesville, Iredell county, with a recommendation that it do pass.

S. B. No. 612: A bill to be entitled an act to incorporate the Robeson County Agricultural Society, with a recommendation that it do pass.

H. B. No. 467, S. B. No. 586: A bill to be entitled an act to incorporate the Board of Directors of the Hickory High School, in the county of Catawba, with a recommendation that it do pass.

H. B. No. 393, S. B. 585: A bill to be entitled an act to incorporate the town of Morrisville, in Wake county, with a recommendation that it do pass.

The following named bills and resolutions were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows:

By Mr. Mills: A bill to be entitled an act in relation to

Burke and McDowell counties. To the Committee on Finance.

By Mr. Standford: A bill to be entitled an act for the relief of disabled soldiers. To the Committee on Propositions and Grievances.

By message from the House of Representatives, H. B. No. 455: A bill to be entitled an act to incorporatethe the Shaw University. To the Committee on Corporations.

The special orders for to-day were acted upon as follows:

S. B. No. 454: A bill to be entitled an act to provide additional accommodation for the insane of the State. Postponed and made the special order for the 17th instant, at 12 M.

S. B. No. 135: A bill to be entitled an act to compromise and settle the public debt. The bill was read the second time.

The question recurring on the amendments to the substitute, proposed by the Joint Select Committee on the Public Debt, it prevailed.

The question then recurred on the substitute, as amended, and it was adopted.

The further consideration of the bill was then postponed and made the special order for to-morrow at 10 o'clock. Yeas 22, nays 4.

*Affirmative*—Messrs. Albright, Clement, C. M. Cooke, French, Graham, Irwin, Jenkins, Linney, Love, Marler, McCauley, McElroy, McMillan, Parish, Selby, Standford, Taylor, Waddell, Walker, Waring, Worthy and Young—22.

*Negative*—Messrs. Jernigan, Peebles, Pegram and Tucker —4.

Bills and resolutions were acted upon as follows, under a suspension of the rules:

H. B. No. 435, S. B. No. 565: A bill to be entitled an act to revive the Board of Internal Improvements.

The bill was read and passed the second and third times, the yeas and nays being dispensed with by consent.

S. B. No. 110: A bill to be entitled an act to give landlords or their agents, without written agreement, a lien for provis-

ions or stores furnished to tenants or lessees upon the crops of such tenants or lessees. The bill was read the third time.

The question recurred upon the substitute reported by the Judiciary Committee.

Mr. Tucker moved to amend the substitute.

Pending its consideration, Mr. Peebles called the previous question, and the main question was ordered.

The question recurring on the amendment offered by Mr. Tucker, and the yeas and nays being required, it was rejected. Yeas 6, nays 24.

*Affirmative*—Messrs. Bryan, Holton, LeGrand, Sneed, Tucker and Walker—6.

*Negative*—Messrs. Albright, Clement, C. M. Cooke, French, Graham, Irwin, Jenkins, Jernigan, Kerr, Linney, Love, Marler, McCauley, McElroy, McMillan, Mills, Parish, Peebles, Pegram, Selby, Taylor, Waddell, Waring, Williamson, Worthy and Young—24.

The question then recurring on the substitute proposed by the Committee on Judiciary, and the yeas and nays being required, it was adopted. Yeas 24, nays 9.

*Affirmative*—Messrs. Albright, Clement, C. M. Cooke, French, Graham, Irwin, Jenkins, Jernigan, Kerr, Love, McCauley, McElroy, McMillan, Mills, Parish, Pegram, Selby, Standford, Taylor, Waddell, Waring, Williamson, Worthy and Young—24.

*Negative*—Messrs. Bryan, Holton, LeGrand, Linney, Peebles, Sneed, Tucker and Walker—9.

The question then recurred upon the passage of the bill on its third reading, and the bill passed the third time. Yeas 23, nays 9.

*Affirmative*—Messrs. Albright, Boddie, Clement, C. M. Cooke, French, Graham, Irwin, Jenkins, Jernigan, Kerr, Love, McElroy, McMillan, Mills, Parish, Pegram, Selby, Taylor, Waddell, Waring, Williamson, Worthy and Young—23.

*Negative*—Messrs. Bryan, Holton, LeGrand, Linney, Marler, Peebles, Sneed, Tucker and Walker—9.

S. B. No. 604: A bill to be entitled an act supplemental to the charter of the town of Statesville, Iredell county.

The bill was read and passed the second and third times, the yeas and nays being dispensed with by consent.

The following named bills, amendments and resolutions, reported as correctly engrossed by the Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence:

S. B. No. 468: A bill to be entitled an act to authorize the boards of commissioners of Guilford and Rockingham to employ convict labor to drain certain lands in said counties.

S. R. No. 607: Resolution in favor of W. H. Morriss & Co.

S. B. No. 406: A bill to be entitled an act to amend the charter of the town of Beaufort.

S. R. No. 400: Resolution in favor of James I. Moore.

S. B. No. 90: A bill to be entitled an act to amend an act to charter the Carolina Narrow Gauge Railroad, ratified February 8th, 1872.

S. B. No. 372: A bill to be entitled an act to incorporate Piney Creek Baptist church, in Alleghany county.

S. B. No. 564: A bill to be entitled an act to authorize the board of commissioners of Currituck county to issue bonds, and for other purposes.

S. B. No. 560: A bill to be entitled an act to incorporate the town of Mount Mourne, in Iredell county.

S. B. No. 511: A bill to be entitled an act to incorporate Direct Trade Union, Patrons of Husbandry.

S. B. No. 349: A bill to be entitled an act to amend an act ratified the 28th of December, 1838, entitled "an act to amend an act entitled an act to establish a literary and manual labor institution in the county of Wake, passed in one thousand eight hundred and thirty-three.

S. R. No. 611: Resolution concerning the funeral expenses of the late Governor Tod R. Caldwell.

The Senate then adjourned until 7:30 P. M., to-day.

## EVENING SESSION.

SENATE CHAMBER, February 15th, 1875.

The Senate met pursuant to adjournment at 7:30 P. M., Mr. Marler in the chair.

A call of the House being required, on motion of Mr. Jenkins, the following Senators responded to their names:

Messrs. Cantwell, Clement, C. M. Cooke, French, Graham, Holton, Jenkins, Jernigan, Kerr, Linney, Marler, McCauley, McElroy, McMillan, Mills, Tucker, Williamson and Young.

The Chair then declared that a quorum was not present.

Thereupon, on motion of Mr. Cantwell, the Senate adjourned until 11 A. M. to-morrow.

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## FIFTY-SIXTH DAY.

SENATE CHAMBER, February 16th, 1875.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Marshall.

The Journal of yesterday was read.

Mr. Boddie asked and obtained leave to record his vote in the affirmative on the vote by which S. B. No. 110, passed its third reading; and in the negative, on the vote by which S. B. No. 13, passed its third reading.

Mr. Mills asked and was granted leave to record his vote in the negative on the vote by which S. B. No. 13, passed the third time.

The Chair designated Messrs. LeGrand and Albright as additional members of the Committee on Engrossed Bills.

Petitions were presented and disposed of, as follows:

By Mr. Cantwell: Petition of J. E. Winants. To the Joint Standing Committee on Insane Asylum.

By Mr. Boddie: Petition from citizens of Battleboro', concerning fence law. To the Committee on Propositions and Grievances.

By Mr. Bell: Petition in reference to North River and Adams' Creek Turnpike Company. To the Committee on Internal Improvements.

A message was received from the House of Representatives transmitting a communication from His Excellency, Curtis H. Brogden, Governor of North Carolina, with a proposition to print. Concurred in.

Reports from Standing Committeess were submitted as follows:

From Committee on Internal Improvements:

By Mr. Waring, H. B. No. 258, S. B. No. 593: A bill to be entitled an act to incorporate the Deep River, Saxapahaw and Danville Railroad Company, with a recommendation that it be returned to the House of Representatives for re-engrossment. It was so ordered.

S. R. No. 517: Resolution asking Congress to extend aid to the Western North Carolina Railroad, and Texas or Southern Pacific Railroad, and to establish a National Gauge of 4 feet 8½ inches, with a recommendation that it do pass.

S. B. No. 605, H. B. No. 436: A bill to be entitled an act to incorporate the Roanoke Valley Railroad Company, with a recommendation that it do pass.

By Mr. Cantwell, H. R. No. 141, S. R. No. 583: Resolution in favor of Dismal Swamp Canal, without recommendation.

By Mr. Waddell, S. R. No. 596: Resolution urging Congress to extend aid to the Southern Pacific Railway from San Deigo to Wilmington, N. C., with a recommendation that it do not pass.

On motion, the bill was laid upon the table.

From Committee on Judiciary:

By Mr. Kerr, S. B. No. 485: A bill to be entitled an act to amend section 5, chapter 48, Battle's Revisal, with a recommendation that it do not pass.

S. B. No. 614: A bill to be entitled an act to amend section 12, chapter 100, of Battle's Revisal, with a recommendation that it do pass.

S. B. No. 486: A bill to be entitled an act concerning Battle's Revisal, with a recommendation that it do pass.

By Mr. C. M. Cooke, S. B. No. 598: A bill to be entitled an act to provide for laying out lands, with a recommendation that it do not pass.

By Mr. Linney, S. B. No. 602: A bill to be entitled an act to enforce the performance of contracts, with a recommendation that it do not pass.

S. B. No. 613: A bill to be entitled an act to amend section 11, chapter 53, of Battle's Revisal, entitled guardian and ward, with a recommendation that it do pass.

By Mr. McElroy, S. B. No. 532: A bill to be entitled an act to prevent trespasses on real estate in certain cases, with accompanying amendments.

From Committee on Propositions and Grievances:

By Mr. Parish, H. B. No. 386, S. B. No. 587: A bill to be entitled an act to allow the commissioners of Burke county to issue bonds, with a recommendation that it do pass.

S. B. No. 619: A bill to be entitled an act for the relief of disabled soldiers, with a recommendation that it do pass.

From Committee on Privileges and Elections:

By Mr. Parish, H. B. No. 503, S. B. No. 589: A bill to be entitled an act to amend election laws, with a recommendation that it do pass.

S. B. No. 306: A bill to be entitled an act to provide for the pay of Registrars and Judges and Inspectors of Elections, with a recommendation that it do not pass.

S. B. No. 304: A bill to be entitled an act to allow ministers of the gospel of any denomination to vote at any voting

place in any township in the county in which they reside, with a recommendation that it do pass.

The following named bills and resolutions were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows:

By Mr. Standford: A bill to be entitled an act to amend section 17, chapter 2, of Battle's Revisal. To the Committee on Agriculture, Mechanics and Mining.

By Mr. Jernigan: A bill to be entitled an act to amend section 8, chapter 44, of Battle's Revisal. To the Committee on Judiciary.

By Mr. Mills: A bill to be entitled an act to authorize the commissioners of Burke county to sell lots. To the Committee on Propositions and Grievances.

A bill to be entitled an act to preserve the public roads of Burke county, and for other purposes. Placed on the calendar.

By Mr. French: A bill to be entitled an act to incorporate the Ashpole Educational Company. To the Committee on Corporations.

By Mr. LeGrand: A bill to be entitled an act for the increase of the State Library. Placed on the calendar.

By Mr. Waring: Resolution to pay witness and clerk in Onderdonk investigation. Adopted.

By Mr. Busbee: A bill to be entitled an act concerning fire companies. Placed on the calendar.

By Mr. Taylor: A bill to be entitled an act to re-enact chapter 162, laws of 1873–'74. To the Joint Standing Committee on the Insane Asylum.

By Mr. Busbee: A bill to be entitled an act to amend the charter of the North Carolina Mutual Home Insurance Company. To the Committee on Corporations.

Mr. Graham moved to reconsider the vote by which the amendment of the committee striking out section 5, of S. B. No. 135, was adopted on yesterday. Placed on the calendar.

The following named bills, amendments and resolutions, re-

ported as correctly engrossed by the Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence:

S. R. No. 620: Resolution to pay witnesses and clerk in the Onderdonk investigation.

S. B. No. 529: A bill to be entitled an act to incorporate the "Bank of Durham."

S. B. No. 481: A bill to be entitled an act to amend the charter of the town of Durham, in Orange county.

S. B. No. 600: A bill to be entitled an act to allow the trustees of Bingham township, in Orange county, to collect arrears of taxes.

S. B. No. 558: A bill to be entitled an act to allow the commissioners of Bladen county to levy a special tax.

S. B. No. 471: A bill to be entitled an act to incorporate the Wilmington, Raleigh and Danville Railroad.

The special orders for to-day were acted upon, as follows:

H. B. 379, S. B. No. 438: A bill to be entitled an act to lay off and establish the county of Coharie. The bill was read the second time.

The question recurring upon the amendment offered by Mr. Busbee, it prevailed.

Mr. Waddell offered an amendment, requiring the question to be submitted to the citizens of the townships within the bounds of the county proposed.

Pending its consideration, Mr. Mills called the previous question.

The main question was ordered, and the amendment prevailed.

The question recurring upon the passage of the bill on its second reading, the bill was rejected.

S. B. No. 135: A bill to be entitled an act to commute and settle the public debt. Postponed and made the special order for to-morrow at 1 P. M.

Bills and resolutions were acted upon, under a suspension of the rules, as follows:

H. B. No. 188, S. B. No. 497: A bill to be entitled an act in favor of the contractors and employees of the Marion and Asheville Turnpike. The bill was read the third time and passed. Yeas 20, nays 12.

*Affirmative*—Messrs. Bell, Busbee, Clement, Irwin, Kerr, LeGrand, Linney, Love, Marler, McElroy, McMillan, Mills, Parish, Pegram, Standford, Taylor, Walker, Waring, Williamson and Young—20.

*Negative*—Messrs. Albright, Boddie, Cantwell, C. M. Cooke, French, Graham, Jernigan, McCauley, Paschall, Sneed, Tucker and Waddell—12.

Mr. McMillan moved to reconsider this vote, and to lay that motion upon the table. The motion to table prevailed.

S. B. No. 623: A bill to be entitled an act to preserve the public records of Burke county, and for other purposes.

The bill was read and passed the second and third times, the yeas and nays being dispensed with by consent.

S. B. No. 591: A bill to be entitled an act to amend the charter of the city of Newbern. The bill was read the second time.

Mr. Tucker offered an amendment.

The yeas and nays being required, the amendment did not prevail. Yeas 7, nays 25.

*Affirmative*—Messrs. Bryan, Cantwell, N. S. Cook, Paschall, Sneed, Tucker and Walker—7.

*Negative*—Messrs. Albright, Bell, Boddie, Busbee, Clement, C. M. Cooke, French, Graham, Irwin, Jenkins, Jernigan, Kerr, LeGrand, Linney, Love, McCauley, McElroy, McMillan, Morehead, Parish, Pegram, Selby, Standford, Worthy and Young—25.

Mr. Tucker offered an amendment.

The yeas and nays being required, the amendment did not prevail. Yeas 11, nays 23:

*Affirmative*—Messrs. Bryan, Cantwell, N. S. Cook, Holton, LeGrand, Linney, Paschall, Sneed, Taylor, Tucker and Walker—11.

*Negative*—Messrs. Albright, Bell, Boddie, Busbee, Clement, C. M. Cooke, French, Graham, Irwin, Jenkins, Jernigan, Kerr, Love, McCauley, McElroy, McMillan, Morehead, Parish, Pegram, Selby, Standford, Worthy and Young—23.

The question recurring on the passage of the bill on its second reading, it was moved that the further consideration of the bill be postponed, and made the special order for to-morrow at 11:30 A. M. The motion did not prevail.

Mr. LeGrand then moved that the Senate do now adjourn.

The yeas and nays being required, the motion did not prevail. Yeas 7, nays 21.

*Affirmative*—Messrs. Bryan, N. S. Cook, Holton, LeGrand, Paschall, Sneed and Tucker—7.

*Negative*—Messrs. Bell, Busbee, Clement, C. M. Cooke, French, Graham, Irwin, Jenkins, Jernigan, Kerr, Linney, Love, McElroy, Morehead, Parish, Pegram, Standford, Taylor, Walker, Williamson and Young—21.

The Senate then resumed the consideration of the bill to amend the charter of the city of Newbern.

The question recurring on the passage of the bill on its second reading, Mr. Cashwell offered a substitute for the bill.

Pending its consideration, Mr. Love moved that the Senate do now adjourn until 10 A. M. to-morrow.

Mr. Sneed moved that the Senate do now adjourn.

Mr. Sneed's motion did not prevail; and the question recurring on Mr. Love's motion to adjourn until 10 A. M., it prevailed.

Thereupon the Senate stood adjourned until 10 A. M. to-morrow.

## FIFTY-SEVENTH DAY.

SENATE CHAMBER, February 17th, 1875.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Pritchard.

The Journal of yesterday was read.

Mr. Standford presented a petition from certain citizens of Duplin county, relative to a prohibitory liquor law. Referred to the Committee on Propositions and Grievances.

Mr. Graham presented a report of the Joint Select Committee on State Railroads. Ordered to be sent to the House of Representatives with a proposition to print.

Mr. Morehead moved that the vote by which S. B. No. 438: A bill to be entitled an act to create the county of Coharie, was rejected on the second reading, be reconsidered. Placed on the calendar.

Reports from Standing Committees were submitted as follows:

From Committee on Judiciary:

By Mr. Linney, H. B. No. 39, S. B. No. 115: A bill to be entitled an act to amend title 7, section 82, of the Code of Civil Procedure, with a recommendation that it do pass.

From the Committee on Insane Asylum:

By Mr. Standford, S. B. No. 454: A bill to be entitled an act to provide additional accommodation for the insane of the State, with accompanying substitute.

The following named bills and resolutions were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows:

By Mr. Armfield: A bill to be entitled an act to alter the laws of divorce. To the Committee on Judiciary.

A bill to be entitled an act in relation to homestead. To the Committee on Judiciary. Ordered to be printed.

By Mr. Waddell: A bill to be entitled an act to incorporate

Olive Branch Lodge, Independent Order of Odd Fellows, No. 37. To the Committee on Corporations.

By Mr. Albright: Resolution concerning adjourment. Laid over under the rules.

By Mr. C. M. Cooke: A bill to be entitled an act to incorporate the town of Youngsville, in the county of Franklin. Placed on the calendar.

By Mr. Irwin: A bill to be entitled an act to amend section 69, chapter 32, Battle's Revisal. To the Committee on Judiciary.

By Mr. LeGrand: Resolution of instruction to the Joint Select Committee on Constitutional Reform. Laid over under the rules.

By Mr. Love: A bill to be entitled an act to provide for the compromise of the State debt, through the instrumentality of a savings bank, and to charter the same. To the Committee on Banks and Currency, and ordered to be printed.

By Mr. Peebles: Resolution for the relief of John L. Herritage. To the Committee on Propositions and Grievances.

The special orders for to-day were acted upon, as follows:

S. B. No. 454: A bill to be entitled an act to provide additional accommodation for the insane of the State.

The question recurred on the adoption of the substitute proposed by the Joint Standing Committee on the Insane Asylum.

Pending its consideration, Mr. Parish moved that the further consideration of the bill be postponed and made the special order for Friday, the 19th instant, at 12 M.

Mr. McCauley moved that the Senate do now adjourn.

The yeas and nays being required, the Senate refused to adjourn. Yeas 4, nays 31.

*Affirmative*—Messrs. Cantwell, McElroy, Tucker and Young—4.

*Negative*—Messrs. Albright, Anderson, Bell, Boddie, Bryan, Busbee, Clement, C. M. Cooke, French, Graham, Irwin, Jenkins, LeGrand, Linney, Love, Mabson, Marler, McCauley,

McMillan, Mills, Morehead, Paschall, Peebles, Pegram, Selby, Smith, Sneed, Standford, Taylor, Walker and Waring—31.

The question recurring upon the motion to make the bill the special order for Friday, Mr. Mills moved to amend by making it the special order for 7:30 P. M. to-day.

The amendment was adopted, and the motion, as amended, prevailed.

S. B. No. 135 : A bill to be entitled an act to commute and settle the public debt. Postponed and made the special order for to-morrow at 12 M.

The Senate resumed the consideration of the unfinished business of yesterday, to-wit :

S. B. No. 591: A bill to be entitled an act to amend the charter of the city of Newbern.

The question recurred upon the substitute offered by Mr. Cantwell.

Pending its consideration, Mr. Bell moved the previous question.

The main question being ordered, and the yeas and nays required, the substitute was rejected. Yeas 9, nays 25.

*Affirmative*—Messrs. Bryan, Cantwell, N. S. Cook, Holton, Paschall, Peebles, Sneed, Tucker and Walker—9.

*Negative*—Messrs. Anderson, Bell, Boddie, Busbee, Clement, C. M. Cooke, French, Graham, Irwin, Jenkins, Jernigan, Kerr, LeGrand, Linney, McElroy, McMillan, Morehead, Parish, Pegram, Smith, Standford, Waddell, Waring, Worthy and Young—25.

The question recurring upon the passage of the bill on its second reading, and the yeas and nays being required, the bill passed the second time. Yeas 28, nays 9.

*Affirmative*—Messrs. Albright, Anderson, Bell, Boddie, Busbee, Clement, C. M. Cooke, French, Graham, Irwin, Jenkins, Jernigan, Kerr, LeGrand, Linney, Love, McElroy, McMillan, Mills, Parish, Pegram, Selby, Smith, Standford, Waddell, Waring, Worthy and Young—28.

*Negative*—Messrs. Bryan, Cantwell, N. S. Cook, Holton, Mabson, Paschall, Peebles, Sneed, Tucker and Walker—9.

The bill was then read the third time.

Thereupon, Mr. Bell called the previous question.

The main question being ordered, the bill passed the third time. Yeas 29, nays 10.

*Affirmative*—Messrs. Albright, Anderson, Bell, Boddie, Busbee, Clement, C. M. Cooke, French, Graham, Irwin, Jenkins, Jernigan, Kerr, LeGrand, Linney, Love, McCauley, McElroy, McMillan, Morehead, Parish, Pegram, Selby, Smith, Standford, Waddell, Waring, Worthy and Young—29.

*Negative*—Messrs. Bryan, Cantwell, N. S. Cook, Holton, Mabson, Paschall, Peebles, Sneed, Tucker and Walker—10.

Mr. Bell moved a reconsideration of this vote, and that that motion be laid upon the table.

The motion to table prevailed.

The following named bills, amendments and resolutions, reported as correctly engrossed by the Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence :

S. B. No. 429 : A bill to be entitled an act to amend chapter sixty-four of Battle's Revisal.

S. B. No. 604 : A bill to be entitled an act supplemental to the charter of the town of Statesville, Iredell county.

The following bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State :

Resolution urging the repeal by Congress of the tax on issues of State banks.

An act concerning the city of Raleigh.

An act to authorize the county of Carteret to compromise its debts.

An act to establish a new county by the name of Pender.

An act to incorporate the town of Marlboro, in Pitt county.

An act to amend chapter 137, section 1, of the laws 1873-'74.

An act to prohibit the sale of intoxicating liquors within

two miles and a half of Hank's Chapel church, in the county of Chatham.

The Senate adjourned until 7:30 P. M. to-day.

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## EVENING SESSION.

SENATE CHAMBER, February 17th, 1875.

The Senate met pursuant to adjournment at 7:30 P. M.

The Chair announced that the hour had arrived for the special order, to-wit:

S. B. No. 454: A bill to be entitled an act to provide additional accommodation for the insane of the State.

On motion, the special order was postponed ten minutes.

Thereupon the rules were suspended, on motion of Mr. Selby, and S. B. No. 609: A bill to be entitled an act to levy a special tax for Hyde county, was put on its second reading. The bill was read and passed the second time. Yeas 28, nays none.

*Affirmative*—Messrs. Albright, Anderson, Bell, Boddie, Busbee, Cantwell, Clement, French, Graham, Irwin, Jenkins, Jernigan, LeGrand, Marler, McElroy, Mills, Parish, Peebles, Pegram, Selby, Smith, Sneed, Standford, Tucker, Waring, Williamson, Worthy and Young—28.

*Negative*—None.

By leave, Mr. Bell introduced a bill to repeal the prohibitory law in Trenton, Jones county. Referred to the Committee on Propositions and Grievances.

By leave, Mr. Busbee presented petitions in regard to the sale of liquor at Hopkins' chapel, in Wake county, near Franklin county. Referred to the Committee on Propositions and Grievances.

The Senate then resumed the consideration of the special order.

The question recurring upon the substitute proposed by the committee, Mr. Love offered an amendment, in the nature of a substitute.

Pending the consideration of the substitute offered by Mr. Love, Mr. Albright moved that the Senate do now adjourn.

The yeas and nays being ordered, on demand, the Senate refused to adjourn. Yeas 14, nays 22.

*Affirmative.*—Messrs. Albright, Anderson, Cashwell, Clement, French, Irwin, Jernigan, Mabson, McCauley, McMillan, Pegram, Smith, Waddell and Williamson—14.

*Negative.*—Messrs. Busbee, Cantwell, N. S. Cook, Jenkins, LeGrand, Linney, Love, Marler, McElroy, Mills, Parish, Paschall, Peebles, Selby, Sneed, Standford, Taylor, Tucker, Walker, Waring, Worthy and Young—22.

Mr. Jenkins called for the previous question, and the main question was ordered to be put.

The question recurring upon the adoption of the amendment, in the nature of a substitute proposed by Mr. Love, the yeas and nays were ordered on demand, and the substitute was adopted. Yeas 25, nays 12.

*Affirmative.*—Messrs. Anderson, Boddie, Cantwell, Cashwell, Clement, N. S. Cook, Jenkins, LeGrand, Linney, Love, Mabson, Marler, McElroy, McMillan, Parish, Paschall, Peebles, Pegram, Selby, Taylor, Tucker, Walker, Waring, Worthy and Young—25.

*Negative.*—Messrs. Albright, Busbee, French, Graham, Irwin, Jernigan, Mills, Smith, Standford, Sugg, Waddell and Williamson—12.

Mr. Waring moved that the Senate do now adjourn.

The yeas and nays being ordered, on demand, the Senate refused to adjourn. Yeas 5, nays 31.

*Affirmative.*—Messrs. Anderson, Irwin, Selby, Smith and Sugg—5.

*Negative.*—Messrs. Albright, Boddie, Busbee, Cantwell, Clement, N. S. Cook, French, Graham, Jenkins, Jernigan, LeGrand, Linney, Love, Mabson, Marler, McElroy, McMillan,

Mills, Parish, Paschall, Peebles, Sneed, Standford, Taylor, Tucker, Waddell, Walker, Waring, Williamson, Worthy and Young—31.

The question then recurred upon the passage of the bill, as amended, upon its second reading.

The yeas and nays being ordered on demand by Mr. Love, the bill passed the second time. Yeas 27, nays 10.

*Affirmative*—Messrs. Anderson, Boddie, Cantwell, Cashwell, Clement, N. S. Cook, Graham, Jenkins, LeGrand, Linney, Love, Mabson, Marler, McElroy, McMillan, Parish, Paschall, Peebles, Pegram, Selby, Standford, Taylor, Tucker, Walker, Waring, Worthy and Young—27.

*Negative*—Messrs. Albright, Busbee, French, Irwin, Jernigan, Mills, Smith, Sugg, Waddell and Williamson—10.

On motion, the Senate adjourned until 11 A. M. to-morrow.

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## FIFTY-EIGHTH DAY.

SENATE CHAMBER, February 18th, 1875.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Rich.

The Journal of yesterday was read.

Mr. Linney presented a petition from certain citizens of Alexander county asking the passage of a public road bill. Referred to the Committee on Internal Improvements.

A communication was received from His Excellency, Curtis H. Brogden, Governor of North Carolina, in relation to paying a claim of Rev. Calvin H. Wiley, former Superintendent of Common Schools, in North Carolina. Read and referred to the Committee on Claims.

A message was received from the House of Representatives

transmitting S. B. No. 473, H. B. No. 476 : A bill to be entitled an act to incorporate the Bank of Gaston County, together with an amendment thereto. The amendment was concurred in.

Reports from Standing Committees were submitted, as follows:

From Committee on Corporations:

By Mr. Busbee, S. B. No. 621 : A bill to be entitled an act to amend the charter of the North Carolina Mutual Home Insurance Company, with a recommendation that it do pass.

From Committee on Propositions and Grievances:

By Mr. Parish, S. B. No. 627: A bill to be entitled an act to authorize the commissioners of Burke county to sell lots, with accompanying amendments.

S. B. No. 639 : A bill to be entitled an act to repeal the prohibitory law in Trenton, Jones county, with a recommendation that it do pass.

From Committee on Judiciary:

By Mr. Jernigan, S. B. No. 32 : A bill to be entitled an act to punish accessories before the fact in the crimes of murder, arson, burglary and rape, with accompanying amendment, in the nature of a substitute.

By Mr. Morehead, S. B. No. 628: A bill to be entitled an act to amend section 8, chapter 44, of Battle's Revisal, with a recommendation that it do pass.

By Mr. McCauley, S. B. No. 340 : A bill to be entitled an act to cure defects in certain judicial proceedings, arising from mistake of jurisdiction and other causes, with accompanying amendments.

From Committee on Claims:

By Mr. Williamson, H. R. No. 76, S. R. 606 : Resolution in favor of the salary of Judge McKay, Judge of 3rd Judicial District, with a recommendation that it do not pass.

From Committee on Agriculture, Mechanics and Mining:

By Mr. Selby, S. B. No. 590 : A bill to be entitled an act

to encourage the raising of birds in North Carolina, with a recommendation that it do not pass.

The following named bills and resolutions were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows :

By Mr. McCauley : A bill to be entitled an act amendatory of a law concerning suits against railroad corporations. To the Committee on Judiciary.

A bill to be entitled an act concerning the jurisdiction of justices of the peace in criminal matters.

By Mr. Standford : A bill to be entitled an act supplemental to an act passed at the present General Assembly to establish the county of Pender. To the Committee on Judiciary.

By Mr. LeGrand : A bill to be entitled an act supplemental to an act entitled "an act to establish a legal rate of interest and to prevent usury." To the Committee on Judiciary.

By Mr. Cantwell: Resolution concerning the State Arsenal at Fayetteville. To the Committee on Military Affairs.

By Mr. Bell : Resolution to pay C. H. Wiley. To the Committee on Claims.

By Mr. Linney : Resolution on the subject of asylums Placed on the calendar.

By Mr. Graham: Resolution to pay clerk of the Joint Committee on State Railroads. Placed on the calendar.

By Mr. Busbee : Resolution to amend Senate Rules.

Mr. Busbee moved to suspend the rules, and put the resolution upon its adoption.

The yeas and nays being required, the motion did not prevail. Yeas 24, nays 17.

*Affirmative*—Messrs. Anderson, Bell, Bryan, Busbee, Cantwell, C. M. Cooke, N. S. Cook, French, Graham, Holton, Jernigan, Mabson, Mills, Parish, Paschall, Peebles, Smith, Sneed, Taylor, Tucker, Waddell, Walker, Waring and Worthy—24.

*Negative*—Messrs. Albright, Boddie, Cashwell, Clement, Jenkins, LeGrand, Linney, Love, Marler, McCauley, McElroy,

McMillan, Morehead, Selby, Standford, Williamson and Young —17.

The following bills were taken up, under a suspension of the rules, and read and passed the second and third times, the yeas and nays being dispensed with by consent:

S. B. No. 443, H. B. No. 354: A bill to be entitled an act to authorize Cherokee and Graham counties to cancel bonds, and for other purposes.

S. B. No. 549, H. B. No. 436: A bill to be entitled an act to amend an act entitled an act in relation to the meadows of Rockingham county, chapter 187, public laws 1870–'71.

S. B. No. 484: A bill to be entitled an act to incorporate Burnt Chimney Academy, in Rutherford county.

S. B. No. 461, H. B. No. 306: A bill to be entitled an act to incorporate the Western North Carolina Baptist Female College.

S. B. No. 639: A bill to be entitled an act to repeal the prohibitory law in Trenton, Jones county.

S. B. No. 448: A bill to be entitled an act to encourage the manufacture of domestic wines in this State.

S. B. No. 548, H. B. No. 458: A bill to be entitled an act to amend an act incorporating the town of Stanford, in the county of Moore, laws of 1873–'74.

S. B. No. 587, H. B. No. 386: A bill to be entitled an act to allow the commissioners of Burke county to issue bonds.

S. B. No. 490: A bill to be entitled an act for the dissolution of the Roanoke Navigation Company.

S. B. No. 569, H. B. No. 335: A bill to be entitled an act to authorize the chairman of the board of county commissioners of Watauga county to make titles to town lots in certain cases.

S. B. No. 445, H. B. No. 327: A bill to be entitled an act to repeal an act prohibiting the sale of spirituous liquors within three miles of the court house in the county of Richmond.

S. B. No. 628: A bill to be entitled an act to amend section 8, chapter 44, of Battle's Revisal.

Bills and resolutions were further acted upon, under a suspension of the rules, as follows:

H. B. No. 72, S. B. No. 322: A bill to be entitled an act to levy a special tax for the county of Jones. The bill was read the second time.

Mr. Bell moved to amend by adding the following section:

"Sec. —. That the tax required to carry out the provisions of this bill shall be levied in one or two years, one-half the whole amount in each year."

The amendment prevailed, and bill passed the second time. Yeas 94, nays none.

*Affirmative.*—Messrs. Albright, Anderson, Bell, Boddie Bryan, Cantwell, Cashwell, Clement, C. M. Cooke, French, Graham, Jenkins, Jernigan, LeGrand, Linney, Love, Marler, McCauley, McElroy, McMillan, Mills, Parish, Paschall, Peebles, Pegram, Smith, Standford, Taylor, Tucker, Waddell, Walker, Waring, Worthy and Young—34.

*Negative.*—None.

S. B. No. 402: A bill to be entitled an act concerning a public bridge, and raising tax for the same.

The bill was read and passed the second time. Yeas 29, nays none.

*Affirmative.*—Messrs. Albright, Anderson, Bell, Bryan, Cantwell, Cashwell, Graham, Irwin, Jenkins, Jernigan, Kerr, Linney, Love, Marler, McElroy, McMillan, Mills, Parish, Paschall, Peebles, Pegram, Selby, Taylor, Tucker, Walker, Waring, Williamson, Worthy and Young—29.

*Negative.*—None.

S. B. No. 601: A bill to be entitled an act providing for a fence law in the counties of Union and Anson. The bill was read the second time.

The amendment proposed by the Committee on Propositions and Grievances prevailed, and the bill passed the second time. Yeas 30, nays none.

*Affirmative*—Messrs. Albright, Anderson, Boddie, Cantwell, Cashwell, Clement, C. M. Cooke, French, Graham, Jernigan, LeGrand, Love, McCauley, McElroy, McMillan, Mills, Parish, Paschall, Peebles, Pegram, Selby, Standford, Taylor, Waddell, Walker, Williamson, Worthy and Young—30.

*Negative*—None.

S. B. No. 609: A bill to be entitled an act to levy a special tax for Hyde county.

The bill was read and passed the third time. Yeas 27, nays none.

*Affirmative*—Messrs. Bell, Boddie, Bryan, Cantwell, Cashwell, Clement, C. M. Cooke, Graham, Jernigan, Linney, Love, Marler, McCauley, McElroy, Paschall, Pegram, Selby, Smith, Standford, Sugg, Taylor, Tucker, Waddell, Walker, Waring, Worthy and Young—27.

*Negative*—None.

S. B. No. 495: A bill to be entitled an act to prohibit the sale of intoxicating liquors within two miles of Beaver Dam depot, in Union county. The bill was read the second time.

The amendment proposed by the Committee on Propositions and Grievances prevailed, and the bill passed the second time.

The bill was then read and passed the third time, the yeas and nays being dispensed with by consent.

S. B. No. 568, H. B. No. 307: A bill to be entitled an act to provide for the passage of fish in the Catawba, Dan and Mayo rivers. The bill was read the second time.

Mr. Waring moved to amend by adding:

"*Provided*, The provisions of this bill shall not apply or extend to any dam or water power on the Catawba or any of its branches in Mecklenburg or Gaston."

The amendment did not prevail, and the bill passed the second time.

The bill was then read and passed the third time, the yeas and nays being dispensed with by consent.

S. B. No. 590: A bill to be entitled an act to encourage the raising of birds in North Carolina. The bill was read the second time.

On motion, the bill was re-committed to the Committee on Agriculture, Mechanics and Mining.

S. R. No. 648: Resolution on the subject of asylums. The resolution was read.

Mr. Albright offered an amendment.

Mr. Parish moved to lay the amendment upon the table. The motion to table did not prevail.

Pending the consideration of the resolution, the Chair announced that the hour had arrived for the special order, to-wit:

S. B. No. 135: A bill to be entitled an act to commute and settle the public debt.

On motion, the special order was postponed, and made the special order for to-morrow at 12 M.

Mr. Anderson moved to reconsider the vote by which the Senate adopted Mr. Love's substitute for S. B. No. 454: A bill to be entitled an act to provide additional accommodation for the insane of North Carolina.

Mr. Cantwell moved to lay that motion upon the table.

The yeas and nays being required, the motion to table prevailed. Yeas 24, nays 13.

*Affirmative*—Messrs. Boddie, Cantwell, Cashwell, Clement, N. S. Cook, Kerr, LeGrand, Linney, Love, Marler, McElroy, McMillan, Parish, Paschall, Peebles, Selby, Smith, Sugg, Taylor, Tucker, Walker, Waring, Worthy and Young—24

*Negative*—Messrs. Anderson, Bell, Busbee, C. M. Cooke, French, Graham, Irwin, Jenkins, Jernigan, Mills, Pegram, Standford and Waddell—13.

The following named bills, amendments and resolutions, reported as correctly engrossed by Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence:

S. B. No. 623: A bill to be entitled an act to preserve the public records of Burke county, and for other purposes.

S. B. No. 490: A bill to be entitled an act for the dissolu tion of the Roanoke Navigation Company.

The Senate adjonrned until 11 A. M., to-morrow.

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## FIFTY-NINTH DAY.

SENATE CHAMBER, February 19th, 1875.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Mangum.

The Journal of yesterday was read.

Leaves of absence were granted, as follows:

To Mr. Williamson, until Tuesday next;

To Mr. Morriss, Principal Doorkeeper, until Tuesday next

To Mr. Tucker, until Tuesday next;

To Mr. Kerr, until Tuesday next;

To Mr. Paschall, indefinite leave.

Petitions were presented and disposed of, as follows:

By Mr. Jenkins: Petition from citizens of King's Mountain, asking for a liquor prohibition law. To the Committee on Propositions and Grievances.

By Mr. Latham: Petition of citizens of the lower part of Beaufort county, asking not to be attached to the county of Pamlico. To the Committee on Propositions and Grievances.

Reports from Standing Committeess were submitted as follows:

From Committee on Propositions and Grievances:

By Mr. Graham, S. R. No. 638: Resolution for the relief of John L. Herritage, with a recommendation that it do pass.

From the Committee on Judiciary:

By Mr. Busbee, S. B. No. 647: A bill to be entitled an act

amendatory of the law concerning suits against railroad corporations, with a recommendation that it do pass.

From the Committee on Corporations:

By Mr. Busbee, S. B. No. 377: A bill to be entitled an act to incorporate the Widows' and Orphans' Benefit Society, N. C. Conference, M. E. Church, South, with a recommendation that it do pass.

From the Committee on Immigration:

By Mr. Waring, S. B. No. 531: A bill to be entitled an act to encourage immigration, with a request that the committee be discharged from the further consideration of the bill. The committee was discharged.

From the Committee on Agriculture, Mechanics and Mining:

By Mr. Selby, S. B. No. 590: A bill to be entitled an act to encourage the raising of birds in North Carolina, with a recommendation that it do pass.

From the Committee on Internal Improvements:

By Mr. Waring, S. B. No. 593, H. B. No. 258: A bill to be entitled an act to incorporate the Deep River, Saxapahaw and Danville Railroad Company, with a recommendation that it do pass.

The following named bills and resolutions were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows:

By Mr. Latham: A bill to be entitled an act to change the times of holding the courts in the First and Second Judicial Districts. To the Committee on Judiciary.

By Mr. Sugg: A bill to be entitled an act to incorporate the Snow Hill Branch Railroad Company. To the Committee on Corporations.

By Mr. Selby: A bill to be entitled an act to protect terrapins. To the Committee on Propositions and Grievances.

By message from the House of Representatives, H. B. No. 521: A bill to be entitled an act to incorporate Lodge No. 1,

Grand Order of the Patrons of Mercy, Wilmington, N. C. To the Committee on Corporations.

H. B. No. 517: A bill to be entitled an act in regard to fishing in New Begun creek, Pasquotank county. To the Committee on Propositions and Grievances.

H. B. No. 493: A bill to be entitled an act to amend section 496, Code of Civil Procedure, as brought forward in Battle's Revisal, chapter 63, section 12. To the Committee on Judiciary.

H. B. No. 409: A bill to be entitled an act to incorporate Cedar Fork Lodge, No. 342, Free and Accepted Masons. To the Committee on Corporations.

H. B. No. 339: A bill to be entitled an act in regard to the mode of keeping the public accounts. To the Committee on Finance.

H. B. No. 332: A bill to be entitled an act to amend chapter 71, section 6, of the laws of 1873–'74. To the Committee on Judiciary.

H. B. No. 165: A bill to be entitled an act to secure the sufficiency of official bonds.

A message was received from the House of Representatives transmitting H. R. No. 142: Resolution on adjournment.

The resolution was concurred in, and the Chair designated Messrs. Marler and Albright as the Senate Branch of the Committee proposed in the resolution.

A message was also received transmitting a resolution to raise a committee, to be composed of five on the part of the House and three on the part of the Senate, to confer with the Board of Public Charities, now in session.

The resolution was concurred in, and the Chair designated Messrs. Bell, Boddie and Waddell as the Senate Branch of the proposed committee.

The Senate resumed the consideration of the unfinished business of yesterday, to-wit:

S. R. No. 648: Resolution on the subject of Asylum.

The question recurring upon Mr. Albright's amendment,

Mr. Mills moved to postpone the further consideration of the bill, and make it the special order for to-morrow at 12 M. The motion did not prevail.

Mr. Busbee proposed to amend by inserting "the town of Yadkinville." The amendment did not prevail.

The question recurring upon Mr. Albright's amendment, it did not prevail.

Mr. Cantwell moved to amend the resolution by inserting "Mt. Airy." The amendment did not prevail.

Mr. French moved to amend by inserting "the City of Wilmington." The amendment did not prevail.

Mr. Cantwell then moved to lay the resolution upon the table. The motion did not prevail.

The yeas and nays being required, the resolution was adopted. Yeas 25, nays 17.

*Affirmative*—Messrs. Anderson, Bell, Cashwell, Clement, N. S. Cook, Hargrave, Jenkins, LeGrand, Linney, Love, Mabson, Marler, McCauley, McElroy, McMillan, Morehead, Paschall, Peebles, Pegram, Taylor, Tucker, Walker, Waring, Worthy and Young—25.

*Negative*—Messrs. Albright, Boddie, Bryan, Busbee, Cantwell, French, Graham, Holton, Irwin, Latham, Mills, Parish, Selby, Smith, Stickney, Sugg and Waddell—17.

The consideration of general orders being in order, the Senate entered upon the consideration of S. R. No. 641: Resolution to pay clerk of Joint Committee on State Railroads.

The resolution was read and adopted.

The Senate next proceeded to the consideration of S. R. No. 640: Resolution to amend Senate Rules. The resolution was read.

Pending its consideration, the Chair announced a special order for that hour.

Bills and resolutions were acted upon, under a suspension of the rules, as follows:

S. B. No. 402: A bill to be entitled an act concerning a

public bridge, and raising tax for the same. The bill was read the third time.

Mr. Tucker moved to amend by adding:

"The commissioners of Craven county shall, at their meeting on the first Monday in April, proceed to levy the tax mentioned in the bill."

The amendment prevailed.

The yeas and nays being required, the bill then passed the third time. Yeas 32, nays none.

*Affirmative*—Messrs. Albright, Bell, Boddie, Bryan, Cantwell, Cashwell, Clement, N. S. Cook, Hargrave, Holton, Irwin, Jenkins, Jernigan, Latham, LeGrand, Linney, Love, Mabson, Marler, McElroy, McMillan, Mills, Parish, Paschall, Pegram, Sneed, Taylor, Tucker, Waddell, Walker, Worthy and Young —32.

*Negative.*—None.

S. B. No. 377: A bill to be entitled an act to incorporate the Widows' and Orphans' Benefit Society, North Carolina Conference, M. E. Church, South.

The bill was read and passed the second and third times, the yeas and nays being dispensed with by consent.

S. B. No. 463, H. B. No. 328: A bill to be entitled an act to incorporate the Golden Lyre Lodge, No. 1608, Grand United Order of Odd Fellows, of Wilmington, N. C.

The bill was read and passed the second and third times, the yeas and nays being dispensed with by consent.

S. R. No. 638: Resolution for the relief of John L. Herritage. The Resolution was read.

Pending its consideration, the Chair announced that the hour for the special order had arrived.

The special orders for to-day were acted upon as follows, to wit:

S. B. No. 309: A bill to be entitled an act concerning pilots. The question recurred upon the motion to reconsider the vote

by which the bill was rejected on its second reading. The motion prevailed.

Mr. Selby moved to suspend the rules, and put the bill on its passage. The motion did not prevail, and the bill was placed upon the calendar.

S. B. No. 135: A bill to be entitled an act to compromise and settle the public debt of the State.

The question recurring on Mr. Graham's motion to reconsider, the motion was withdrawn.

Mr. Peebles offered an amendment, which prevailed.

Mr. Paschall offered an amendment, which was rejected.

Mr. Morehead then moved that the further consideration of the bill be postponed, and made the special order for to-morrow at 12 M., and that in the meantime the bill, as amended, be printed. The motion prevailed.

The following named bill, reported as correctly engrossed by the Committee on Engrossed Bills, was transmitted to the House of Representatives for concurrence:

S. B. No. 591: A bill to be entitled an act to amend the charter of the city of Newbern.

The following bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

An act to incorporate the Yadkin River and Wilkesboro' Navigation Company.

An act to revive the Board of Internal Improvements.

An act to incorporate the town of Yadkin College, in the county of Davidson.

Resolution to pay witness and clerk in the Onderdonk investigation.

Resolution to allow Joint Committee on Railroads to employ clerical assistance.

The Senate then adjourned until 7:30 P. M. to-day.

## EVENING SESSION.

SENATE CHAMBER, February 19th, 1875.

The Senate met pursuant to adjournment at 7:30 P. M.

On motion of Mr. Marler, the calendar was placed at the disposal of the Chair.

Bills on third reading were acted on, as follows:

H. B. No. 72, S. B. No. 322: A bill to be entitled an act to lay a special tax for the county of Jones.

The bill was read and passed the third time. Yeas 27, nays 1.

*Affirmative*—Mr. President, Messrs. Albright, Anderson, Bell, Busbee, Cantwell, Cashwell, Clement, N. S. Cook, French, Graham, Holton, Irwin, Jenkins, Jernigan, Latham, LeGrand, Love, Marler, McElroy, McMillan, Mills, Parish, Smith, Walker, Waring, Worthy and Young—27.

*Negative*—Mr. Morehead—1.

S. B. No. 425: A bill to be entitled an act to authorize the board of commissioners of Moore county to levy a special tax for county purposes. The bill was read and passed the third time. Yeas 26, nays none.

*Affirmative*—Messrs. Albright, Anderson, Busbee, Cantwell, Cashwell, Clement, N. S. Cook, French, Graham, Holton, Irwin, Jenkins, Jernigan, Latham, LeGrand, Love, Marler, McElroy, McMillan, Mills, Parish, Smith, Stickney, Walker, Waring, Worthy and Young—26.

*Negative*—None.

S. B. No. 601: A bill to be entitled an act providing for a fence law in the counties of Union and Anson. The bill was read and passed the third time. Yeas 27, nays none.

*Affirmative*—Messrs. Albright, Anderson, Bell, Busbee, Cantwell, Cashwell, Clement, N. S. Cook, French, Graham, Holton, Irwin, Jenkins, Jernigan, Latham, LeGrand, Love,

Marler, McElroy, McMillan, Mills, Parish, Smith, Walker, Waring, Worthy and Young—27.

*Negative*—None.

Reports from Standing Committees were submitted as follows:

From Committee on Corporations:

By Mr. Busbee, S. B. No. 626: A bill to be entitled an act to incorporate the Ashpole Educational Company, with a recommendation that it do pass.

The following named bill was introduced, read and passed first time, and referred, as follows:

By Mr. Busbee: A bill to be entitled an act to incorporate the Carolina Plumbago Company. To the Committee on Corporations.

The consideration of resolutions being in order, the following named resolutions were taken from the calendar and disposed of, as follows:

S. R. No. 536: Resolution concerning rules of the Senate. Read and, on motion of Mr. Marler, withdrawn.

S. R. No. 634: Resolution concerning adjournment. Read, and on motion, withdrawn.

S. R. No. 492: Resolution concerning adjournment. Read, and on motion, withdrawn.

S. R. No. 515: Resolution concerning adjournment. Laid upon the table.

H. R. No. 125, S. R. No. 505: Resolution of instruction to our Senators and Representatives in Congress. Read and adopted.

S. R. No. 523: Resolution in favor of John G. Bagwell. Read and adopted.

S. R. No. 522: Resolution requesting Representatives in Congress to amend pension laws.

Mr. Cantwell offered an amendment, which prevailed.

The resolution, as amended, was then adopted.

S. R. No. 631: Resolution of instruction to Select Committee on Constitutional Reform. The resolution was read.

Mr. Mills moved to refer to the Joint Select Committee on Constitutional Reform.

Mr. Bell moved to lay the resolution upon the table.

The yeas and nays being required, the motion to table prevailed. Yeas 29, nays 11.

*Affirmative*—Mr. President, Messrs. Anderson, Bell, Boddie, Cashwell, Clement, French, Graham, Holton, Irwin, Jenkins, Jernigan, Kerr, Latham, Marler, McCauley, McElroy, McMillan, Mills, Morehead, Parish, Paschall, Pegram, Smith, Stickney, Tucker, Waddell, Waring and Young—29.

*Negative*—Messrs. Albright, Bryan, Busbee, Cantwell, N. S. Cook, LeGrand, Love, Peebles, Taylor, Walker and Worthy —11.

The Senate resumed the consideration of the unfinished business of the morning session, to-wit:

S. R. No. 640: Resolution to amend Senate Rules. The resolution was read.

Pending its consideration, Mr. Albright called the previous question, and the main question was ordered.

The yeas and nays being required, the resolution was not adopted. Yeas 19, nays 20.

*Affirmative*—Messrs. Boddie, Bryan, Busbee, Cantwell, French, Graham, Jenkins, Jernigan, Latham, Mabson, McCauley, Mills, Paschall, Peebles, Smith, Stickney, Tucker, Waddell and Waring—19.

*Negative*—Messrs. Albright, Anderson, Bell, Cashwell, Clement, N. S. Cook, Irwin, LeGrand, Love, Marler, McElroy, McMillan, Morehead, Parish, Pegram, Sugg, Taylor, Walker, Worthy and Young—20.

Bills on second reading were acted on as follows:

H. B. No. 436, S. B. No. 605: A bill to be entitled an act to incorporate the Roanoke Valley Railroad Company. The bill was read and passed the second time.

The rules were suspended, and the bill read and passed the third time, the yeas and nays being dispensed with by consent.

S. B. No. 581: A bill to be entitled an act to incorporate the

Mecklenburg Centennial Association. The bill was read the second time.

Mr. Latham moved to amend by striking out the words "five thousand dollars" wherever they occur in the bill.

Pending its consideration, Mr. Mabson called the previous question.

The main question being ordered, and the yeas and nays required, the amendment did not prevail. Yeas 17, nays 18.

*Affirmative*—Messrs. Albright Anderson, Bryan, Cashwell, Clement, Latham, LeGrand, Mabson, Marler, McCauley, McElroy, Parish, Paschall, Stickney, Sugg, Tucker and Young —17.

*Negative*—Messrs. Bell, Busbee, Cantwell, French, Graham, Irwin, Jernigan, Kerr, Love, McMillan, Mills, Morehead, Pegram, Taylor, Waddell, Walker, Waring and Worthy—18.

The question recurring on the passage of the bill the second time, the yeas and nays were required, and the bill passed the second time. Yeas 18, nays 16.

*Affirmative*—Messrs. Bell, Busbee, Cantwell, French, Graham, Irwin, Jernigan, Kerr, Love, McMillan, Mills, Morehead, Pegram, Taylor, Waddell, Walker, Waring and Worthy —18.

*Negative*—Messrs. Albright, Anderson, Bryan, Cashwell, Clement, Latham, LeGrand, Mabson, Marler, McCauley, McElroy, Parish, Paschall, Stickney, Sugg and Young—16.

Mr. French moved to suspend the rules, and put the bill on its third reading. The motion did not prevail.

On motion of Mr. Morehead, the bill was made the special order for to-morrow at 11:40 A. M.

The Senate then adjourned until 11 A. M. to-morrow.

## SIXTIETH DAY.

SENATE CHAMBER, February 20th, 1875.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Jurney.

The Journal of yesterday was read.

Mr. Linney asked and obtained leave to record his vote in the negative on the vote by which S. B. No. 581, passed its second reading.

Mr. Worthy was granted leave of absence until the 1st of March.

Petitions and memorials were presented and disposed of, as follows:

By Mr. Bell: Petition to protect oyster beds of North river, Carteret county. To Committee on Propositions and Grievances.

By Mr. Cantwell: Memorial from H. V. Houston. To the Committee on Propositions and Grievances.

By Mr. N. S. Cook: Petition from citizens of Salem and Winston. To the Committee on Corporations.

Reports from Standing Committees were submitted as follows:

From Committee on Judiciary:

By Mr. Linney, S. B. No. 646: A bill to be entitled an act concerning the jurisdiction of the justices of the peace in criminal matters, with a recommendation that it do pass.

By Mr. C. M. Cooke, S. B. No. 341: A bill to be entitled an act to unite legal estates with uses, with a recommendation that it do pass.

S. B. No. 553: A bill to be entitled an act to amend section 38, chapter 33, of Battle's Revisal, with a recommendation that it do not pass.

S. B. No. 588, H. B. No. 326: A bill to be entitled an act to amend chapter 137, laws of 1873–'74, with the request that

that the bill be referred to the Committee on Propositions and Grievances. The bill was so referred.

By Mr. Waddell, S. B. No. 465: A bill to be entitled an act supplemental to an act to establish the county of Pender, with a recommendation that it do pass.

The following named bills and resolutions were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows:

By message from the House of Representatives, H. B. No. 579: A bill to be entitled an act to incorporate Swann's Station, in the county of Moore. To the Committee on Corporations.

H. B. No. 87: A bill to be entitled an act to amend chapter 90, section 4, laws of 1872–'73, as brought forward in Battle's Revisal, chapter 68, section 47. To the Committee on Judiciary.

H. B. No. 437: A bill to be entitled an act repealing a certain part of chapter 137, laws of 1873–'74. To the Committee on Judiciary.

H. B. No. 603: A bill to be entitled an act to prevent the sale of liquor near Hayesville Academy, Clay county. To the Committee on Propositions and Grievances.

H. B. No. 459: A bill to be entitled an act to lay off and establish a free turnpike in Burke and Mitchell counties, and to improve the road from Morganton to Wm. Morris', on the Blue Ridge. To the Committee on Internal Improvements.

H. B. No. 532: A bill to be entitled an act to amend an act entitled "an act to authorize the board of county commissioners of Rowan county to subscribe to the capital stock of the Yadkin Railroad Company."

To the Committee on Internal Improvements:

By Mr. Cantwell: A bill to be entitled an act concerning Salaries and Fees. Placed on the calendar, and ordered to be printed.

A bill to be entitled an act to incorporate the Wilmington

and Coast Turnpike Company. To the Committee on Corporations.

By Mr. Stickney: A bill to be entitled an act to protect fishing interest in Neuse river and Contentnea creek. To the Committee on Propositions and Grievances.

A bill to be entitled an act to re-assess the real property of Pitt county. To the Committee on Propositions and Grievances.

By Mr. Graham: A bill to be entitled an act to allow Lincolnton township, Lincoln county, N. C., to subscribe to Chester and Lenoir Narrow Gauge Railroad. To the Committee on Internal Improvements.

By Mr. Marler: A bill to be entitled an act forbidding any white person to hire white children to any person of African descent, and forbidding negroes or persons of African descent to seize unprotected white orphans and hold them in slavery. To the Committee on Judiciary.

By Mr. Bell: Resolution as to Board of Public Charities. Placed on the calendar.

Resolution authorizing Engrossing Clerk and Enrolling Clerk to employ additional assistance. Read and adopted.

By Mr. Mabson: Resolution in favor of adjournment. To the Committee on Calendar.

By message from the House of Representatives, H. B. No. 604: A bill to be entitled an act in relation to lotteries and gift concerts. Placed on the calendar.

By Mr. C. M. Cooke: A bill to be entitled an act to amend an act entitled "an act in favor of certain officers and taxpayers of Nash county, it being chapter 70, public laws of 1873–'74. Placed on the calendar.

A message was received from the House of Representatives stating that that body had appointed Messrs. Mendenhall, Finger, Irwin, Wheeler and Glenn as the House branch of the Joint Committee to confer with the Board of Public Charities.

A message was received from the House of Representatives informing the Senate of its concurrence in S. R. No. 648:

Resolution to appoint Joint Committee to visit Statesville and other points in regard to location of Insane Asylum, and of the appointment of Messrs. Richardson, Wiley and Norment, as the House branch of said committee.

The Chair designated Messrs. Linney and Anderson as the Senate branch of said committee.

Mr. Mills offered the following resolution:

"*Resolved*, That on and after Monday next, the hour for the meeting of the Senate be changed from eleven to ten o'clock, A. M."

The resolution was read and adopted.

At 11:40 A. M., the Chair announced that the hour had arrived for the special order, to wit:

S. B. No. 581: A bill to be entitled an act to incorporate the Mecklenburg Centennial Association.

On motion, the further consideration of the bill was postponed until 12:30 P. M.

At 12 M. the Chair announced that the next special order had arrived, to wit: S. B. No. 135: A bill to be entitled an act to compromise and settle the public debt of the State.

The question recurring on the passage of the bill on its second reading, Mr. Parish proposed an amendment, which was rejected.

Mr. Linney offered an amendment, which was rejected.

Pending the consideration of the bill, Mr. Waring called the previous question.

The main question was ordered, and the yeas and nays being required, the bill passed the second time. Yeas 26, nays 16.

*Affirmative*—Messrs. Anderson, Bell, Boddie, Busbee, Cashwell, C. M. Cooke, French, Graham, Hargrave, Irwin, Jenkins, Jernigan, Love, McCauley, McElroy, Mills, Morehead, Parish, Peebles, Pegram, Stickney, Sugg, Taylor, Waring, Worthy and Young—26.

*Negative*—Messrs. Albright, Cantwell, Clement, N. S. Cook,

Holton, Latham, LeGrand, Linney, Mabson, Marler, McMillan, Selby, Smith, Sneed, Waddell and Walker—16.

On motion, the bill was made the special order for Monday, at 12 M.

Bills and resolutions were acted upon under a suspension of the rules, as follows :

H. B. No. 604, S. B. No. 671: A bill to be entitled an act in relation to lotteries and gift concerts. The bill was read the second time.

Mr. Cantwell offered an amendment.

Mr. Waring moved to amend the amendment.

Pending its consideration, Mr. Jenkins moved the previous question.

The main question being ordered, and the question recurring upon Mr. Waring's amendment to the amendment, it did not prevail.

The question then recurring upon Mr. Cantwell's amendment, it was rejected, and the bill passed the second time.

The bill was then read and passed the third time, the yeas and nays being dispensed with by consent.

S. B. No. 580: A bill to be entitled an act to provide for the support of the North Carolina Institution for the Deaf and Dumb and the Blind for the years 1875 and 1876.

The bill was read and passed the second and third times, the yeas and nays being dispensed with by consent.

S. B. No. 626: A bill to be entitled an act to incorporate the Ashepole Educational Company.

The bill was read and passed the second and third times, the yeas and nays being dispensed with by consent.

S. B. No. 612: A bill to be entitled an act to incorporate the Robeson County Agricultural Society.

The bill was read and passed the second and third times, the yeas and nays being dispensed with by consent.

S. B. No. 474: A bill to be entitled an act for the relief of the sureties of the late sheriff of Halifax county.

The bill was read and passed the second and third times, the yeas and nays being dispensed with by consent.

S. B. No. 405: A bill to be entitled an act to repeal section 2, chapter 64, private laws of 1870–'71.

The bill was read and passed the second and third times, the yeas and nays being dispensed with by consent.

S. B. No. 357: A bill to be entitled an act to require all municipal corporations to publish yearly a statement of their finances.

The bill was read and passed the second time.

The following named bills, amendments and resolutions, reported as correctly engrossed by the Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence:

S. R. No. 662: Resolution authorizing the engrossing clerks and enrolling clerk to employ additional assistance.

S. B. No. 639: A bill to be entitled an act to repeal the prohibitory law in Trenton, Jones county.

S. B. No. 495: A bill to be entitled an act to prohibit the sale of intoxicating liquors within two miles of Beaver Dam depot, in Union county.

S. B. No. 609: A bill to be entitled an act to levy a special tax for Hyde county.

S. B. No. 628: A bill to be entitled an act to amend section 8, chapter 44, of Battle's Revisal.

S. B. No. 484: A bill to be entitled an act to incorporate Burnt Chimney Academy, in Rutherford county.

S. B. No. 448: A bill to be entitled an act to encourage the manufacture of domestic wines in this State.

S. R. No. 648: Resolution on the subject of Asylum.

S. R. No. 641: Resolution to pay clerk of the Joint Committee on State Railroads.

The following bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of Secretary of State:

to incorporate the Carolina Plumbago Company, with a recommendation that it do pass.

From Committee on Judiciary :

By Mr. C. M. Cooke, S. B. No. 7 : A bill to be entitled an act to require the registration of deeds, with accompanying amendment in the nature of a substitute.

The following named bills and resolutions were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows :

By Mr. Jernigan : A bill to be entitled an act to amend an act incorporating the town of Gatesville, in Gates county. To the Committee on Corporations.

By Mr. Mills : A bill to be entitled an act to provide another asylum for the insane of North Carolina. To the Committee on Insane Asylum.

By Mr. Taylor : A bill to be entitled an act to repeal an act entitled "an act to amend an act to authorize the laying out and establishing a turnpike road from the South Carolina line at some point near the Block House in Rutherford county, to Cain Creek Bridge in Buncombe county, ratified the 27th day of February, A. D. 1867, and revive an act passed at the session of 1835, chapter 53. To the Committee on Internal Improvements.

By Mr. McElroy : A bill to be entitled an act to amend an act entitled "an act to amend the charter of the North Carolina Railroad Company, and for other purposes" therein mentioned, ratified 10th day of February, 1874. To the Committee on Internal Improvements.

By Mr. Boddie : A bill to be entitled an act to amend chapter 137, of laws of North Carolina, 1873–'74. To the Committee on Propositions and Grievances.

By Mr. Armfield : A bill to be entitled an act to prevent retailers of spirituous liquors from taking personal property in payment for, or in pledge to secure the payment of the same. To the Committee on Judiciary.

By Mr. Armfield : Resolution instructing the Committee on

Privileges and Elections to bring in a bill to change the time of holding elections in this State.

On motion, made the special order for 12 M. Tuesday, February 23d.

By Mr. Cantwell: A bill to be entitled an act to legitimate certain bastards. To the Committee on Judiciary.

Resolution for the settlement of the public debt. Ordered to be printed.

By Mr. Sneed: Resolution in regard to levying a tax to pay the debt of the State. To the Joint Committee on Public Debt.

By message from the House of Representatives, H. B. No. 392: A bill to be entitled an act to change the dividing line between the counties of Gaston and Lincoln. To the Committee on Propositions and Grievances.

Bills on third reading were acted upon, as follows:

S. B. No. 357: A bill to be entitled an act to require all municipal corporations to publish yearly a statement of their finances. The bill was read the third time.

Mr. Marler moved to amend by striking out in line 11 of the printed bill, the word "three," and insert in lieu thereof the word "thirty." The amendment prevailed.

Mr. Cantwell moved to further amend by adding in the title and the body of the bill the words "eleemosynary and religious corporations and societies." The amendment prevailed, and the bill, as amended, passed the third time.

S. B. No. 581: A bill to be entitled an act to incorporate the Mecklenburg Centennial Association. The bill was read the third time.

Mr. Latham moved to refer to the Committee on Judiciary, with instructions to report on Wednesday as to the constitutionality of the proposed appropriation. The motion prevailed.

Resolutions on third adoption were acted upon, as follows:

S. R. No. 538: Resolution in favor of Rosalind H. and D. Jane King.

On motion, referred to the Committee on Judiciary.

S. R. No. 638: Resolution for the relief of John L. Herritage.

On motion, referred to the Committee on Judiciary.

At 12 M., the Senate proceeded to the consideration of the special order for that hour, to-wit:

S. B. No. 135: A bill to be entitled an act to settle and compromise the public debt. The bill was read the third time.

Mr. Latham offered an amendment, in the nature of a substitute, for the bill.

The yeas and nays being required, the amendment was rejected. Yeas 10, nays 23.

*Affirmative*—Messrs. Albright, Boddie, Clement, N. S. Cook, Holton, Latham, McCauley, McElroy, McMillan and Selby–10.

*Negative*—Messrs. Bell, Cantwell, Cashwell, C. M. Cooke, Graham, Hargrave, Irwin, Jenkins, Jernigan, Love, Mabson, Mills, Parish, Peebles, Pegram, Smith, Sneed, Stickney, Sugg, Taylor, Waddell, Walker and Waring—23.

Mr. Bell offered to amend by saying "for classes 1 and 4, pay 40 cents; classes 2 and 3, pay 25 cents. Raise interest to 3 cents first 5 years."

Mr. McCauley moved "that the further consideration of the special order be postponed until after the Committee on Constitutional Reform has reported, and the said report has been acted on by the General Assembly."

The yeas and nays being required, the motion did not prevail. Yeas 13, nays 21.

*Affirmative*—Mr. President, Messrs. Albright, Cantwell, Cashwell, Clement, Holton, Latham, Marler, McCauley, McElroy, Parish, Sneed and Young—13.

*Negative*—Messrs. Bell, Boddie, Busbee, C. M. Cooke, Graham, Hargrave, Irwin, Jenkins, Jernigan, Love, McMillan, Mills, Peebles, Pegram, Smith, Stickney, Sugg, Taylor, Waddell, Walker and Waring—21.

The question recurring on Mr. Bell's amendment, Mr. Boddie moved to amend the amendment by striking out "all rates

of interest, and insert bearing interest at the rate of two per cent. per annum for the two first years; three per cent. for the next three years, and four per cent. for the next five years, and five per cent. for the remaining twenty years."

Mr. Mills moved to postpone the further consideration of the bill, and make it the special order for to-morrow at 12 M. The motion to postpone prevailed.

Bills were acted upon, under a suspension of the rules, as follows:

S. B. No. 675: A bill to be entitled an act to allow Lincolnton township, Lincoln county, North Carolina, to subscribe to Chester and Lenoir Narrow Gauge Railroad. The bill was read and passed the second time. Yeas 26, nays none.

*Affirmative*—Messrs. Albright, Bell, Clement, C. M. Cooke, N. S. Cook, Graham, Hargrave, Irwin, Jenkins, Jernigan, Latham, Mabson, Marler, McElroy, McMillan, Mills, Morehead, Parish, Pegram, Sneed, Stickney, Sugg, Taylor, Waddell, Walker and Waring—26.

*Negative*—None.

The bill was made the special order for to-morrow at 11 o'clock, A. M.

S. B. No. 378: A bill to be entitled an act providing for the filling of vacancies occurring in the boards of county commissioners in the State. The bill was read the second time.

The amendment proposed by the Committee on Judiciary prevailed, and the bill passed the second time.

The bill was then read and passed the third time, the yeas and nays being dispensed with by consent.

S. B. No. 551: A bill to be entitled an act to incorporate the Rutherford Manufacturing Company. The bill was read the second time.

Mr. C. M. Cooke moved to amend the bill by striking out the 8th section. The amendment prevailed, and the bill passed the second time.

The bill was then read and passed the third time, the yeas and nays being dispensed with by consent.

S. R. No. 517: Resolution asking Congress to extend aid to the Western North Carolina Railroad, and Texas and Southern Pacific Railroad, and to establish a national gauge of 4 feet 8½ inches. The resolution was read and adopted.

S. B. No. 514: A bill to be entitled an act to prohibit the sale of spirituous liquors within three (3) miles of Poplar Spring church, in the county of Franklin. The bill was read the second time.

The amendment proposed by the Committee on Propositions and Grievances was adopted, and the bill passed the second time.

The bill was then read and passed the third time, the yeas and nays being dispensed with by consent.

S. B. No. 352: A bill to be entitled an act for the protection of county commissioners. The bill was read the second time and rejected.

The following bills were taken up, under a suspension of the rules, and read and passed the second and third times, the yeas and nays being dispensed with by consent:

S. B. No. 359: A bill to be entitled an act to obtain information concerning State's interest in works of internal improvements.

S. B. No. 401: A bill to be entitled an act to authorize sale of certain street and alley, in the town of Shelby.

S. B. No. 621: A bill to be entitled an act to amend the charter of the North Carolina Mutual Home Insurance Company.

S. B. No. 570: A bill to be entitled an act to incorporate Orion Lodge, No. 67, Independent Order of Odd Fellows, of Wilmington, North Carolina.

S. B. No. 633: A bill to be entitled an act to incorporate the town of Youngsville, in the county of Franklin.

S. B. No. 457: A bill to be entitled an act to prevent the deposit of fish offal any where along the shores of Bogue Banks in White Oak township, in Carteret county.

S. B. No. 646: A bill to be entitled an act concerning the jurisdiction of justices of the peace in criminal matters.

S. B. No. 539: A bill to be entitled an act in relation to taxation in Burke and McDowell counties.

H. B. No. 258, S. B. No. 593: A bill to be entitled an act to incorporate the Deep River, Saxapahaw and Danville Railroad Company.

S. B. No. 559: A bill to be entitled an act to attach so much of Craven county as lies north and east of Adams' creek to Carteret county.

S. B. No. 661: A bill to be entitled an act to incorporate Carolina Plumbago Company.

H. B. No. 532, S. B. No. 664: A bill to be entitled an act to amend an act entitled an act to authorize the board of county commissioners of Rowan county to subscribe to the capital stock of the Yadkin Railroad Company.

The following named bills, amendments and resolutions, reported as correctly engrossed by Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence:

S. B. No. 551: A bill to be entitled an act to incorporate the Rutherford Manufacturing Company.

S. B. No. 402: A bill to be entitled an act concerning a public bridge and raising tax for the same.

S. B. No. 377: A bill to be entitled an act to incorporate the Widows' and Orphans' Benefit Society, North Carolina Conference, M. E. Church, South.

S. B. No. 601: A bill to be entitled an act providing for a fence law in the counties of Union and Anson.

Engrossed Senate amendments to H. B. No. 72, S. B. No. 322: A bill to be entitled an act to levy a special tax for the county of Jones.

Engrossed Senate amendments to H. R. No. 134, S. R. No. 522: Resolution requesting representatives to amend pension laws.

The following bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

An act to incorporate the Bank of Gaston county;

An act to incorporate the Golden Lyre Lodge, No 1,608, Grand United Order of Odd Fellows, of Wilmington, N. C.;

An act to regulate the rate of interest and to prevent usury;

Resolution of instruction to our Senators and Representatives in Congress:

Resolution on adjournment;

An act to incorporate the Oak City Building and Loan Association of Raleigh, N. C.

The Senate adjourned until 7:30 P. M. to-day.

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## EVENING SESSION.

SENATE CHAMBER, February 22d, 1875.

The Senate met pursuant to adjournment.

The consideration of bills on second reading being in order, the Senate proceeded to consider S. B. No. 7: A bill to be entitled an act to require the registration of deeds. The bill was read the second time.

The question recurring upon the adoption of the substitute proposed by the Committee on Judiciary, Mr. Cantwell offered an amendment, which was rejected.

Mr. Armfield moved to amend the substitute, and it prevailed.

Mr. Morehead moved an amendment to the substitute, and it was rejected.

Mr. Cashwell moved that the bill be laid upon the table. The motion did not prevail.

Mr. Love offered an amendment to the substitute, and it prevailed.

Mr. Armfield offered an amendment, in the nature of a substitute, for the substitute.

Mr. Mills offered an amendment, which did not prevail.

Mr. Jenkins offered the following amendment to the substitute offered by Mr. Armfield: Strike out the word "creditors" in the first section. The amendment prevailed.

The question recurring on the adoption of the substitute proposed by Mr. Armfield, and amended by Mr. Jenkins, it was adopted, and the bill passed the second time.

The bill was then made the special order for to-morrow at 1:30 P. M.

On motion, the Senate adjourned until 10 A. M. to-morrow.

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## SIXTY-SECOND DAY.

SENATE CHAMBER, February 23rd, 1875.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

Leaves of absence were granted as follows:

To Mr. Shaw, indefinite leave.

To Mr. Parish, leave for one day.

Mr. Walker moved to reconsider the vote by which S. B. No. 378: A bill to be entitled an act for providing for the filling of vacancies occurring in the boards of county commissioners in the State, passed its third reading. The motion to reconsider prevailed.

The Chair designated Messrs. Waddell and French as additional members of the Committee on Privileges and Elections.

Mr. Walker presented a petition from the citizens of Polk and Henderson counties against repeal of act of 1866–'67, in relation to the Howard's Gap Turnpike Road. To the Committee on Internal Improvements.

Mr. LeGrand presented a petition from the citizens of the town of Rockingham, in the county of Richmond, relative to

the proposed incorporation of the town of Great Falls. To the Committee on Corporations.

Reports from Standing Committees were submitted as follows:

From Committee on Corporations:

By Mr. Busbee, H. B. No. 579, S. B. No. 669: A bill to be entitled an act to incorporate Swann's Station, in the county of Moore, with a recommendation that it do pass.

S. B. No. 554: A bill to be entitled an act to repeal the charter of the town of Beaufort, Carteret county, with a recommendation that it do pass.

H. B. No. 521, S. B. No. 658: A bill to be entitled an act to incorporate Lodge No. 1, Grand Order of the Patrons of Mercy, Wilmington, N. C., with a recommendation that it do pass.

H. B. No. 409, S. B. No. 655: A bill to be entitled an act to incorporate Cedar Fork Lodge, No. 342, Free and Accepted Masons, with a recommendation that it do pass.

H. B. No. 455, S. B. No. 617: A bill to be entitled an act to incorporate "The Shaw University," with a recommendation that it do pass.

S. B. No. 689: A bill to be entitled an act to amend "an act incorporating the town of Statesville," with a recommendation that it do pass.

From Committee on Internal Improvements:

By Mr. Mills, H. B. No. 459, S. B. No. 665: A bill to be entitled an act to lay off and establish a free turnpike in Burke and Mitchell counties, and to improve the road from Morganton to Wm. Morris', on the Blue Ridge, with a recommendation that it do pass.

From Committee on Propositions and Grievances:

By Mr. Latham, H. B. No. 603, S. B. No. 666: A bill to be entitled an act to prevent the sale of liquor near Hayesville Academy, Clay county, with a recommendation that it do pass.

S. B. No. 685: A bill to be entitled an act to amend chap-

ter 137, of laws of North Carolina, 1873–'74, with a recommendation from the majority that it do *not* pass.

Mr. Marler, from the Joint Committee on Calendar, made a report and recommended the adoption of the accompanying resolution concerning the day of adjournment, which was read and laid over under the rules.

The following named bills and resolutions were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows :

By message from the House of Representatives, H. B. No. 629 : A bill to be entitled an act supplemental to an act in favor of the contractors and employees of the Marion and Asheville Turnpike, ratified the 18th day of February, 1875. To the Committee on Internal Improvements.

H. B. No. 640 : A bill to be entitled an act to create another township in Lenoir county. To the Committee on Propositions and Grievances.

H. B. No. 530 : A bill to be entitled an act to authorize the county commissioners of Montgomery county to levy a special tax. To the Committee on Propositions and Grievances.

H. B. No. 523 : A bill to be entitled an act to amend an act entitled "an act to amend the charter of North Carolina Railroad Company, and for other purposes therein mentioned. To the Committee on Internal Improvements.

H. B. No. 374 : A bill to be entitled an act to authorize the board of county commissioners of Stanly county to subscribe to the capital stock of the Yadkin Railroad Company. To the Committee on Internal Improvements.

H. B. No. 566 : A bill to be entitled an act for the better protection of the Caldwell and Watauga Turnpike Company. To the Committee on Internal Improvements.

H. B. No. 334 : A bill to be entitled an act to change the line of Pamlico county. To the Committee on Propositions and Grievances.

By Mr. Selby : A bill to be entitled an act concerning the

sale of ardent spirits on the island of Ocracoke. To the Committee on Propositions and Grievances.

By Mr. Cook, of Forsythe: A bill to be entitled an act to amend section 1, chapter 52, and section 1, chapter 59, of the laws of 1873–'74. To the Committee on Corporations.

By Mr. Jenkins: A bill to be entitled an act to compel the Carolina Central Railway to complete its road to Shelby, N. C. To the Committee on Internal Improvements.

By Mr. Tucker: A bill to be entitled an act to extend the time of back loans. To the Committee on Judiciary.

Bills on second reading were acted upon as follows:

S. B. No. 32: A bill to be entitled an act to punish accessories before the fact in the crimes of murder, arson, burglary and rape. The bill was read the second time.

The substitute proposed by the Committee on Judiciary, was adopted, and the bill passed the second time.

S. B. No. 115: A bill to be entitled an act to amend title 7, section 82, of the Code of Civil Procedure. The bill was read and passed the second time.

The special orders for to-day were acted upon as follows:

S B. No. 675: A bill to be entitled an act to allow Lincolnton township, Lincoln county, to subscribe to the Chester and Lenoir Narrow Gauge Railroad. The bill was read and passed the third time. Yeas 39, nays 0.

*Affirmative*—Messrs. Albright, Bell, Boddie, Bryan, Cantwell, Cashwell, Clement, C. M. Cooke, N. S. Cook, Graham, Hargrave, Holton, Irwin, Jenkins, Jernigan, Latham, LeGrand, Love, Mabson, Marler, McCauley, McElroy, McMillan, Mills, Parish, Pegram, Selby, Smith, Sneed, Standford, Stickney, Sugg, Taylor, Tucker, Waddell, Walker, Waring, Williamson and Young—39.

*Negative*—None.

The bill was ordered to be sent to the House of Representatives without engrossment.

S. R. No. 683: Resolution instructing the Committee on Privileges and Elections to bring in a bill to change the time

of holding elections in this State. The resolution was read, and the yeas and nays being required, was adopted. Yeas 22, nays 17.

*Affirmative*—Mr. President, Messrs. Bell, Boddie, Clement, C. M. Cooke, French, Hargrave, Irwin, Jernigan, Latham, Marler, McCauley, McMillan, Mills, Morehead, Parish, Peebles, Selby, Standford, Stickney, Sugg and Waddell—22.

*Negative*—Messrs. Albright, Cantwell, Cashwell, N. S. Cook, Graham, Holton, LeGrand, Love, Mabson, McElroy, Pegram, Sneed, Tucker, Walker, Waring, Williamson and Young—17.

S. B. No. 135: A bill to be entitled an act to compromise, commute and settle the State debt. The bill was read the third time.

The question recurring on Mr. Boddie's amendment to Mr. Bell's amendment, it was accepted, and the yeas and nays being required, the amendment, as amended, prevailed. Yeas 20, nays 15.

*Affirmative*—Mr. President, Messrs. Albright, Bell, Boddie, Graham, Hargrave, Latham, LeGrand, Marler, McCauley, McElroy, Morehead, Parish, Pegram, Selby, Smith, Standford, Sugg, Walker and Young—20.

*Negative*—Messrs. Cantwell, Clement, C. M. Cooke, N. S. Cook, French, Irwin, Jenkins, Jernigan, Love, Mabson, Mills, Peebles, Stickney, Tucker and Waring—15.

Mr. Graham offered to amend by adding the following additional section:

"Sec. —. That it shall be lawful for any executor, or administrator, guardian, trustee, directors of corporations, and other persons acting in a fiduciary capacity, holding bonds of the State, to make the exchange contemplated in this act. And they shall be absolved from all liability on account of the said exchange."

The amendment prevailed.

Mr. Love offered to amend by adding the following additional section:

"SEC. —. That this act shall be published in the New York *Journal of Commerce* and in the London *Times* for three months."

The amendment prevailed.

Mr. Peebles offered an amendment, which was rejected.

The bill then passed the third reading. Yeas 20, nays 19.

*Affirmative*—Messrs. Bell, Boddie, Busbee, C. M. Cooke, French, Graham, Hargrave, Irwin, Jenkins, Jernigan, Love Mills, Parish, Peebles, Pegram, Selby, Stickney, Sugg, Taylor and Waring—20.

*Negative*—Mr. President, Messrs. Albright, Cantwell, Clement, N. S. Cook, Holton, Latham, LeGrand, Mabson, Marler, McCauley, McElroy, Morehead, Smith, Standford, Tucker, Walker, Williamson and Young—19.

The following bills were taken up, under a suspension of the rules, and read and passed the second time, the yeas and nays being dispensed with by consent:

S. B. No. 645: A bill to be entitled an act supplemental to an act passed at the present General Assembly to establish the county of Pender.

S. B. No. 542: A bill to be entitled an act to incorporate Whitaker's Mills, in Nash county.

H. B. No. 467, S. B. No. 586: A bill to be entitled an act to incorporate the board of directors of the Hickory High School, in the county of Catawba.

H. B. No. 196, S. B. No. 498: A bill to be entitled an act to amend section 5, chapter 138, laws of 1873–'74.

S. B. No. 647: A bill to be entitled an act amendatory of the law concerning suits against railroad corporations.

H. B. No. 19, S. B. No. 175: A bill to be entitled an act to repeal section 4, chapter 164, of laws of 1850–'51, entitled an act to amend an act to incorporate the Caldwell and Ashe Turnpike Company.

S. B. No. 627: A bill to be entitled an act to authorize the commissioners of Burke county to sell lots.

The amendment proposed by the Committee on Propositions and Grievances was adopted.

Bills were further acted upon, under a suspension of the rules, as follows:

S. B. No. 280: A bill to be entitled an act to authorize the city of Wilmington to issue bonds. The bill was read the second time.

The amendment proposed by the Committee on Judiciary prevailed, and the bill passed the second time. Yeas 35, nays none.

*Affirmative*—Messrs. Albright, Bell, Boddie, Bryan, Cantwell, Cashwell, Clement, C. M. Cooke, N. S. Cook, Graham, Hargrave, Irwin, Jenkins, Jernigan, Latham, LeGrand, Love, Mabson, Marler, McCauley, McElroy, McMillan, Mills, Parish, Pegram, Smith, Sneed, Standford, Taylor, Tucker, Waddell, Walker, Waring, Williamson and Young—35.

*Negative*—None.

The bill was made the special order for to-morrow at 12 M.

S. B. No. 428: A bill to be entitled an act to repeal sections 19 and 20 of chapter 65, of Battle's Revisal.

The bill was read the second time, and, on motion, made the special order for Monday, the 1st prox., at 11:30 A. M.

S. B. No. 554: A bill to be entitled an act to repeal the charter of the town of Beaufort, Carteret county.

The bill was read and passed the second and third times, the yeas and nays being dispensed with by consent.

H. B. No. 455, S. B. No. 617: A bill to be entitled an act to incorporate "the Shaw University."

The bill was read the second time, and, on motion, postponed until 12 M., February 25th, and ordered to be printed.

The following named bills and resolutions, reported as correctly engrossed by the Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence:

S. B. No. 401: A bill to be entitled an act to authorize sale of certain street and alley in the town of Shelby.

S. B. No. 405: A bill to be entitled an act to repeal section 2, chapter 64, private laws of 1870–'71.

S. B. No. 580: A bill to be entitled an act to provide for the support of the N. C. Institute for the Deaf and Dumb and Blind for the years 1875–'76.

S. B. No. 359: A bill to be entitled an act to obtain information concerning States' interest in works of Internal Improvements.

S. B. No. 474: A bill to be entitled an act for the relief of the sureties of the late sheriff of Halifax county.

S. R. No. 523: Resolution in favor of John G. Bagwell.

S. B. No. 425: A bill to be entitled an act to authorize the board of commissioners of Moore county to levy a special tax for county purposes.

S. B. No. 612: A bill to be entitled an act to incorporate the Robeson County Agricultural Society.

S. B. No. 626: A bill to be entitled an act to incorporate the Ashpole Educational Company.

The following bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

An act to incorporate the charter of the city of Newbern.

An act to provide for the passage of fish in the Catawba, Dan and Mayo rivers.

Resolution authorizing the Engrossing Clerks and Enrolling Clerk to employ additional assistance.

Resolution on the subject of asylum.

An act to incorporate the Roanoke Valley Railroad Company.

An act in relation to lotteries and gift concerts.

An act to incorporate the Cleaveland Savings Bank, in the town of Shelby, Cleaveland county.

The Senate adjourned until 10 A. M., to-morrow.

## SIXTY-THIRD DAY.

SENATE CHAMBER, February 24th, 1875.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Pritchard.

The Journal of yesterday was read.

The Chair designated Messrs. Stickney and Cantwell as additional members of the Committee on Engrossed Bills.

Leaves of absence were granted Messrs. Bell and Waring until Monday next.

Reports from Standing Committees were submitted as follows:

From Committee on Insurance:

By Mr. French, S. B. No. 545: A bill to be entitled an act creating the Insurance Department of North Carolina, with a recommendation that it do not pass.

S. B. No. 35: A bill to be entitled an act in relation to insurance companies and other corporations, with a recommendation that it do not pass.

S. B. No. 172: A bill to be entitled an act requiring security from certain corporations, and for other purposes, with a recommendation that it do not pass.

S. B. No. 573: A bill to be entitled an act concerning insurance companies, with a recommendation that it do not pass.

S. B. No. 205: A bill to be entitled an act to require all fire insurance companies not incorporated under the laws of this State to make a deposit of sureties, with a recommendation that it do not pass.

From Committee on Propositions and Grievances:

By Mr. Latham, S. B. No. 693: A bill to be entitled an act concerning the sale of ardent spirits on the island of Ocracoke, with a recommendation that it do pass.

H. B. No. 392, S. B. No. 679: A bill to be entitled an act

to change the dividing line between the counties of Gaston and Lincoln, with a recommendation that it do pass.

H. B. No. 334, S. B. No. 694: A bill to be entitled an act to change the line of Pamlico county, with a recommendation that it do pass.

H. B. No. 530, S. B. No. 698: A bill to be entitled an act to authorize the county commissioners of Montgomery county to levy a special tax, with a recommendation that it do pass.

By Mr. Graham, S. R. No. 638: Resolution for the relief of John L. Herritage, with a recommendation that it do pass.

By Mr. Latham, H. B. No. 640, S. B. 699: A bill to be entitled an act to create another township in Lenoir county, with a recommendation that it do not pass.

From Committee on Judiciary:

By Mr. French, S. B. No. 92: A bill to be entitled an act for the improvement and reclamation of certain swamp lands in New Hanover and other counties, with accompanying amendments.

On motion, the bill was made the special order for 7:30 P. M. to-day.

By Mr. Latham, H. B. No. 351, S. B. 524: A bill to be entitled an act to amend chapter 146, laws of 1872–'73, with a recommendation that it do pass.

H. B. No. 453, S. B. No. 526: A bill to be entitled an act to amend sections 21 and 22, chapter 117, Battle's Revisal, with a recommendation that it do not pass.

S. B. No. 512: A bill to be entitled an act to prohibit tenants or croppers selling any quantities less than one bale, except upon the written consent of the landlord or landowner, with a recommendation that it do not pass.

By Mr. Graham, H. B. No. 332, S. B. No. 653: A bill to be entitled an act to amend chapter 71, section 6, of the laws of 1873–'74, with a recommendation that it do pass with the accompanying ameedments.

H. B. No. 87, S. B. No. 668: A bill to be entitled an act to amend chapter 90, section 21, laws of 1872–'73, as brought

forward in Battle's Revisal, chapter 68, section 47, with a request that the bill be referred to the Committee on Education. The bill was so referred.

H. B. No. 437, S. B. No. 667: A bill to be entitled an act repealing a certain part of chapter 137, laws of 1873–'74, with a recommendation that it do pass.

From Committee on Propositions and Grievances:

By Mr. Latham, S. B. No. 703: A bill to be entitled an act concerning the sale of liquor within three miles of Hopkins' chapel, in Wake county, with a recommendation that it do pass.

The following named bills and resolutions were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows:

By Mr. Waring: A bill to be entitled an act defining the jurisdiction of the Mayor of the city of Charlotte. Placed on the calendar.

By Mr. French: A bill to be entitled an act to compromise that portion of the special tax bonds that have not been declared unconstitutional, or that will not be so declared before the said bonds are offered to be surrendered and delivered to the Treasurer for the purpose of securing the benefits under this act. To the Joint Select Committee on Public Debt, and ordered to be printed.

By Mr. Cantwell: A bill to be entitled an act concerning lotteries, and to prevent and punish the same. To the Committee on Propositions and Grievances.

By Mr. Boddie: A bill to be entitled an act to facilitate the construction of telegraph lines. To the Committee on Internal Improvements.

By message from the House of Representatives, H. B. No. 479: A bill to be entitled an act to repeal a portion of chapter 137, laws 1873–'74. To the Committee on Propositions and Grievances.

H. B. No. 576: A bill to be entitled an act to amend chap-

ter 171, laws of 1872–'73. To the Committee on Propositions and Grievances.

H. B. No. 575: A bill to be entitled an act to continue in force an act to incorporate the bank of Raleigh. To the Committee on Corporations.

H. B. No. 553: A bill to be entitled an act to prevent the sale of any intoxicating liquors within three miles of Asheville and Spartanburg Railroad. To the Committee on Propositions and Grievances.

H. B. No. 580: A bill to be entitled an act to authorize the county commissioners of Brunswick county to submit to the people of that county the question of changing the county seat. To the Committee on Corporations.

A message was received from the House of Representatives, transmitting a message from his Excellency the Governor, and report of one of the Directors of the Albemarle and Chesapeake Canal Company, with a proposition to print. The proposition was concurred in.

A bill on its third reading was acted on as follows:

S. B. No. 7: A bill to be entitled an act to require the registration of deeds. The bill was read the third time.

Mr. Jenkins offered an amendment, which was adopted.

Mr. Cantwell offered an amendment, which was rejected.

Mr. Armfield offered an amendment, which was adopted.

Mr. Boddie offered an amendment, and the yeas and nays being required, it prevailed. Yeas 25, nays 18.

*Affirmative*—Messrs. Albright, Boddie, Cantwell, Cashwell, C. M. Cooke, Graham, Hargrave, Irwin, Jenkins, Kerr, Latham, LeGrand, Love, McElroy, McMillan, Mills, Parish, Pegram, Selby, Shaw, Smith, Sugg, Waddell, Walker and Williamson—25.

*Negative*—Mr. President, Messrs. Bell, Bryan, Clement, N. S. Cook, French, Holton, Jernigan, Mabson, Marler, McCauley, Morehead, Peebles, Sneed, Standford, Taylor, Tucker and Waring—18.

The bill was then read and passed the third time, the yeas and nays being dispensed with by consent.

Bills and resolutions were acted upon, under a suspension of the rules, as follows:

H. B. No. 640, S. B. 699: A bill to be entitled an act to create another township in Lenoir county. The bill was read the second time.

On motion, it was re-committed to the Committee on Propositions and Grievances, and made the special order for to-morrow at 11 A. M.

S. B. No. 700: A bill to be entitled an act supplemental of an act in favor of the contractors and employees of the Marion and Asheville Turnpike, ratified February 18, 1875.

The bill was read and passed the second and third times, the yeas and nays being dispensed with by consent.

S. B. No. 701: A bill to be entitled an act defining the jurisdiction of the mayor of Charlotte. The bill was read the second time.

Mr. Waring moved to amend by striking out of section 3, the first sentence, to-wit: "All fines for the violation of city ordinances shall go to the city treasury." The motion to strike out prevailed.

Mr. Cantwell moved to amend by adding to the first section the words: "And be a special court for this purpose." The amendment prevailed, and the bill passed the second time.

The bill was then read and passed the third time, the yeas and nays being dispensed with by consent.

Mr. Waring moved to reconsider this vote, and that that motion be laid upon the table. The motion to table prevailed.

H. R. No. 181, S. R. No. 702: Resolution in relation to the "Journal of Education." The resolution was read.

Mr. Cantwell moved to amend by adding at the end, "Monthly for one year." The amendment prevailed.

The yeas and nays being required, the resolution was then rejected. Yeas 10, nays 30.

*Affirmative*—Messrs. Bell, Cantwell, Clement, Hargrave, Irwin, Jenkins, Mabson, Marler, Sugg and Tucker—10.

*Negative*—Messrs. Albright, Boddie, Cashwell, N. S. Cook, French, Holton, Jernigan, Kerr, Latham, LeGrand, Love, McElRoy, McMillan, Mills, Morehead, Parish, Peebles, Pegram, Selby, Shaw, Smith, Sneed, Standford, Stickney, Taylor, Waddell, Walker, Waring, Williamson and Young—30.

Mr. Mills moved to reconsider the vote just had. The motion to reconsider prevailed. Thereupon,

Mr. Bell moved to amend by adding:

"*Provided*, The appropriation here made shall come out of the school fund."

Pending its consideration, Mr. Marler moved the previous question, and the main question being ordered, the amendment prevailed.

By unanimous consent, Mr. Morehead offered an amendment, which prevailed.

The yeas and nays being required, the resolution, as amended, was adopted. Yeas 23, nays 18.

*Affirmative*—Messrs. Bell, Bryan, Cantwell, Cashwell, Clement, Hargrave, Irwin, Jenkins, Kerr, Love, Mabson, Marler, McMillan, Mills, Morehead, Peebles, Pegram, Smith, Stickney, Sugg, Taylor, Tucker and Young—23.

*Negative*—Messrs. Albright, Boddie, N. S. Cook, French, Graham, Holton, Jernigan, Latham, LeGrand, McElroy, Parish, Selby, Shaw, Sneed, Waddell, Walker, Waring and Williamson—18.

The following named bills and resolutions, reported as correctly engrossed by the Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence:

S. R. No. 517: Resolution askikg the Congress of the United States to extend aid to the Western North Carolina

Railroad and Texas or Southern Pacific Railroad, and to establish a national gauge of 4 feet 8½ inches.

S. B. No. 514: A bill to be entitled an act to prohibit the sale of spirituous liquors within 1½ miles of Poplar Spring church, in the county of Franklin.

S. B. No. 559: A bill to be entitled an act to attach so much of Craven county as lies north and east of Adams' creek, to Carteret county.

S. B. No. 646: A bill to be entitled an act concerning the jurisdiction of justices of the peace in criminal matters.

S. B. No. 661: A bill to be entitled an act to incorporate the Carolina Plumbago Company.

S. B. No. 621: A bill to be entitled an act to amend the charter of the North Carolina Mutual Home Insurance Company.

S. B. No. 633: A bill to be entitled an act to incorporate the town of Youngsville, in the county of Franklin.

S. B. No. 539: A bill to be entitled an act in relation to taxation in Burke and McDowell counties.

S. B. No. 457: A bill to be entitled an act to prevent the deposit of fish offal anywhere along the shores of Bogue banks, in White Oak township, in Carteret county.

S. B. No. 576: A bill to be entitled an act to incorporate Orion Lodge, No. 67, Independent Order of Odd Fellows, of Wilmington, N. C.

The following bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

An act to authorize the board of commissioners of Currituck county to issue bonds, and for other purposes.

An act to prevent obstructions to navigation in the waters of Newport river, Carteret county.

An act to levy a special tax for the county of Jones.

An act to incorporate Piney Creek Baptist church, in Alleghany county, N. C.

An act to amend an act entitled an act to authorize the board

of county commissioners of Rowan county to subscribe to the capital stock of the Yadkin River Railroad Company.

Resolution requesting Representatives in Congress to amend pension laws.

Resolution to pay clerk of the Joint Committee on State Railroads.

An act relative to the Western Turnpike Road, in the counties of Buncombe and Haywood.

An act supplemental to an act in favor of the contractors and employees of Marion and Asheville Turnpike, ratified the 18th February, 1875.

Mr. Mabson moved that the Senate do now adjourn.

Mr. McMillan moved to amend by saying, "do now adjourn until 10 A. M., to-morrow."

Mr. Tucker moved to further amend by saying, "until 11 A. M., to-morrow."

The motion to adjourn until 11 A. M., to-morrow, did not prevail.

The question recurring on the motion to adjourn until 10 A. M., to-morrow, the yeas and nays were required, and the motion prevailed. Yeas 19, nays 19.

*Affirmative*—Mr. President, Messrs. Boddie, Cantwell, Cashwell, N. S. Cook, Graham, Hargrave, Jernigan, Love, Mabson, McCauley, McElroy, McMillan, Parish, Smith, Sneed, Standford, Walker and Young—19.

*Negative*—Messrs. Albright, Clement, French, Irwin, Jenkins, Kerr, Latham, LeGrand, Marler, Mills, Peebles, Pegram, Selby, Shaw, Stickney, Sugg, Tucker, Waddell and Williamson—19.

The Chair deciding in the negative, there being a tie vote.

Thereupon, the Senate adjourned until 10 A. M., to-morrow.

## SIXTY-FOURTH DAY.

SENATE CHAMBER, February 25th, 1875.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

Leaves of absence were granted as follows:

To Mr. Cantwell, until Monday next;

To Mr. Mabson, from Saturday until Wednesday next;

To Mr. Young, until Tuesday next.

Mr. LeGrand presented a petition from certain citizens of Rockingham, which was read and referred to the Committee on Corporations.

Reports from Standing Committees were submitted, as follows:

From Committee on Judiciary:

By Mr. McElroy, S. B. No. 674: A bill to be entitled an act forbidding any white person to hire white children to any person of African descent, and forbidding negroes or persons of African descent to seize unprotected white orphans and hold them in slavery, with a recommendation that it do not pass.

S. B. No. 684: A bill to be entitled an act to prevent retailers of spirituous liquors from taking personal property in payment for or in pledge to secure the payment of the same, with a recommendation that it do not pass.

From Committee on Propositions and Grievances:

By Mr. Latham, S. B. No. 667: A bill to be entitled an act to protect the fishing interests in Neuse river and Contentnea creek, with a recommendation that it do pass.

S. B. No. 667: A bill to be entitled an act to re-assess the real property of Pitt county, with a recommendation that it do pass.

S. B. No. 659: A bill to be entitled an act to protect terrapins, with a recommendation that it do pass.

H. B. No. 576, S. B. No. 708: A bill to be entitled an act

to amend chapter 171, laws of 1872-'73, with a recommendation that it do pass.

H. B. No. 640, S. B. No. 699: A bill to be entitled an act to create another township in Lenoir county, with a recommendation that it do pass.

From Committee on Judiciary:

By Mr. Morehead, H. B. No. 493, S. B. No. 656: A bill to be entitled an act to amend section 496, Code of Civil Procedure, as brought forward in Battle's Revisal, chapter 63, section 12, with a recommendation that it do not pass.

S. B. No. 644: A bill to be entitled an act supplemental to an act entitled "an act to establish a legal rate of interest and to prevent usury," with an amendment, in the nature of a substitute.

The following named bills and resolutions were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows:

By message from the House of Representatives, H. B. No. 630: A bill to be entitled an act to secure the insurance of public buildings in Lincoln county. To the Committee on Insurance.

H. B. No. 602: A bill to be entitled an act to incorporate Graham High School, in the county of Alamance. To the Committee on Corporations.

H. B. No. 457: A bill to be entitled an act in relaiton to the public taxes due by the county of Wayne for the year 1870. To the Committee on Finance.

H. B. No. 434: A bill to be entitled an act to amend chapter 69, private laws of 1872–'73. To the Committee on Corporations.

By Mr. Taylor: A bill to be entitled an act to amend an act to prohibit the sale of spirituous liquors in certain localities, ratified 16th February, 1874. To the Committee on Propositions and Grievances.

By Mr. Parish: A bill to be entitled an act to amend the charter of Hillsboro. To the Committee on Corporations.

By Mr. Graham: A bill to be entitled an act concerning applications for prohibition of the sale of spirituous liquors, or repeal of prohibitory laws in this State. To the Committee on Propositions and Grievances.

By Mr. Peebles: A bill to be entitled an act to amend an act entitled an act to charter the Scotland Neck and Weldon Railroad and Steamboat Company. To the Committee on Internal Improvements.

A bill to be entitled an act to amend sub-division 1 of the 13th section of the 119th chapter of Battle's Revisal, entitled "Wills and Testaments." To the Committee on Judiciary.

By Mr. Kerr: A bill to be entitled an act to incorporate the Wilmington and New River Steam Navigation Company. To the Committee on Internal Improvements.

By Mr. McElroy: Resolution petitioning Congress in favor of the Southern Methodist Publishing House. To the Committee on Education.

By Mr. Williamson: Resolution as to call of Convention. To the Committee on Constitutional Reform.

The following named resolutions were introduced, read and disposed of, as follows:

By Mr. Busbee: Resolution in regard to the Lovejoy Academy. Read and adopted.

By Mr. Peebles: Resolution against an appropriation by Congress to the Texas Pacific Railroad Company. The resolution was read.

Mr. Busbee moved that the resolution be laid upon the table.

The yeas and nays being required, the motion to table prevailed. Yeas 21, nays 11.

*Affirmative*—Messrs. Albright, Boddie, Busbee, Cashwell, Clement, C. M. Cooke, French, Graham, Hargrave, Irwin, Jenkins, Jernigan, Kerr, Love, Marler, McElroy, McMillan, Shaw, Smith, Taylor and Waddell—21.

*Negative*—Messrs. N. S. Cook, Latham, Mabson, McCauley, Parish, Peebles, Pegram, Sneed, Standford, Tucker and Walker—11.

Bills were acted upon, under a suspension of the rules, as follows:

S. B. No. 667: A bill to be entitled an act to protect the fishing interest in Neuse river and Contentnea creek.

The bill was read and passed the second and third times, the yeas and nays being dispensed with by consent.

H. B. No. 459, S. B. No. 665: A bill to be entitled an act to lay off and establish a free turnpike in Burke and McDowell counties, and to improve the road from Morganton to Wm. Morris', on the Blue Ridge.

The bill was read and passed the second and third times, the yeas and nays being dispensed with by consent.

The consideration of resolutions being in order, S. R. No. 712: Resolution concerning the time of adjournment, from the Joint Committee to examine the calendar, was read.

Mr. Parish moved to amend by striking out "*sine die.*"

Mr. Morehead moved to postpone the further consideration of the resolution, and make it the special order for Tuesday next at 12 M.

The yeas and nays being required, the motion to postpone prevailed. Yeas 23, nays 17.

*Affirmative*—Messrs. Bryan, Cashwell, French, Graham, Hargrave, Holton, Irwin, Jenkins, Jernigan, Kerr, Latham, McCauley, McElroy, Morehead, Parish, Peebles, Shaw, Smith, Stickney, Sugg, Taylor, Tucker and Williamson—23.

*Negative*—Messrs. Albright, Boddie, Clement, C. M. Cooke, N. S. Cook, LeGrand, Mabson, Marler, McMillan, Mills, Pegram, Selby, Sneed, Standford, Waddell, Walker and Young—17.

The Chair announced that the hour had arrived for the special order, to-wit:

H. B. No. 640, S. B. No. 699: A bill to be entitled an act to create another township in Lenoir county.

The bill was read and passed the second and third times, the yeas and nays being dispensed with by consent.

Mr. Standford moved to reconsider the bill and to lay that motion on the table. The motion prevailed.

Mr. Marler moved that when the Senate adjourns it adjourn until 7:30 P. M. to-day.

The yeas and nays being required, the motion prevailed. Yeas 27, nays 11.

*Affirmative*—Messrs. Albright, Bryan, Busbee, Cashwell, Clement, C. M. Cooke, French, Hargrave, Holton, Jenkins, Latham, LeGrand, Love, Marler, McCauley, McMillan, Mills, Morehead, Peebles, Selby, Shaw, Smith, Sneed, Stickney, Sugg, Walker and Williamson—27.

*Negative*—Messrs. Boddie, N. S. Cook, Graham, Irwin, Jernigan, Mabson, McElroy, Parish, Pegram, Tucker and Waddell—11.

Bills, upon third reading, were acted upon as follows:

S. B. No. 32: A bill to be entitled an act to punish accessories before the fact in the crimes of murder, arson, burglary and rape.

The bill was read and passed the third time, the yeas and nays being dispensed with by consent.

S. B. No. 378: A bill to be entitled an act providing for the filling of vacancies occurring in the boards of county commissioners in the State.

The bill was read and passed the third time, the yeas and nays being dispensed with by consent.

Mr. Graham moved that a message be sent to the House of Representatives, proposing to go into election of 17 trustees of the University at 12 o'clock on Saturday next, the 27th inst., to fill vacancies as represented by secretary of said board of trustees.

The motion prevailed, and a message was ordered to be sent.

Bills, on second reading, were acted upon as follows:

S. B. No. 92: A bill to be entitled an act for the improvement and reclamation of certain swamp lands in New Hanover and other counties.

The bill was read the second time, and, on motion, the

further consideration thereof was postponed, and made the special order for Tuesday next at 11 A. M.

S. B. No. 145 : A bill to be entitled an act concerning the conveyance of convicts to the penitentiary. The bill was read the second time.

Mr. Standford moved to lay the bill upon the table. The motion to table prevailed.

S. B. No. 478, H. B. No. 197 : A bill to be entitled an act to compensate sheriffs for bringing convicts to the State prison.

The bill was read the second time, the amendments proposed by the Committee on Judiciary were adopted, and the bill, as amended, passed the second time.

On motion, the rules were suspended, and the bill was read and passed the third time, the yeas and nays being dispensed with by consent.

The bill was ordered to be forthwith engrossed, and sent to the House of Representatives for concurrence :

S. B. No. 183 : A bill to be entitled an act to repeal the bartardy law. The bill was read the second time.

Mr. Marler moved to lay the bill upon the table, and the yeas and nays being required, the motion to table prevailed. Yeas 32, nays 7.

*Affirnative*—Messrs. Albright, Boddie, Bryan, Busbee, Clement, C. M. Cooke, N. S. Cook, French, Graham, Hargrave, Irwin, Jenkins, Jernigan, LeGrand, Love, Mabson, Marler, McCauley, McMillan, Morehead, Parish, Pegram, Selby, Shaw, Smith, Standford, Stickney, Sugg, Taylor, Tucker, Waddell and Williamson—32.

*Negative*—Messrs. Cashwell, Kerr, Latham, McElroy, Mills, Peebles and Walker—7.

S. B. No. 233 and 239 : A bill to be entitled an act to protect the birds of North Carolina. The bill was read the second time.

The question recurred upon the amendment, in the nature of a substitute proposed by the Committee on Agriculture, Mechanics and Mining.

Mr. French offered an amendment to the substitute, which prevailed.

Pending the consideration of this bill, Mr. Morehead moved to lay it upon the table.

The yeas and nays being required, the motion to table prevailed. Yeas 22, nays 17.

*Affirmative*—Messrs. Boddie, Bryan, C. M. Cooke, Holton, Irwin, Jenkins, Kerr, Latham, LeGrand, Love, Mabson, McElroy, Mills, Morehead, Parish, Peebles, Selby, Shaw, Sneed, Tucker, Walker and Young—22.

*Negative*—Messrs. Albright, Busbee, Cashwell, Clement, N. S. Cook, French, Graham, Hargrave, Marler, McCauley, McMillan, Pegram, Stickney, Sugg, Taylor, Waddell and Williamson—17.

The following named bills, amendments and resolutions, reported as correctly engrossed by the Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence:

S. B. No. 645: A bill to be entitled an act supplemental to an act passed at the present General Assembly to establish the county of Pender.

S. B. No. 647: A bill to be entitled an act amendatory of the law concerning suits against railroad corporations.

S. B. No. 627: A bill to be entitled an act to authorize the commissioners of Burke county to sell lots.

S. B. No. 357: A bill to be entitled an act to require all municipal corporations to publish yearly a statement of their finances.

S. B. No. 135: A bill to be entitled an act to compromise, commute and settle the State debt.

S. B. No. 554: A bill to be entitled an act to repeal the charter of the town of Beaufort, Carteret county.

S. B. No. 542: A bill to be entitled an act to incorporate Whitaker's Mills, in Nash county.

Senate amendments to H. B. No. 197, S. B. No. 478: A

bill to be entitled an act to give compensation to sheriffs for bringing convicts to the State Prison.

Senate amendments to H. R. No. 181, S. R. No. 700: Resolution in relation to the Journal of Education.

The following bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

An act to amend section 5, chapter 138, laws of 1873–'74.

An act for the better regulation of the Newbern Academy.

An act to amend section 4, chapter 164, laws of 1850–'51, entitled an act to incorporate the Caldwell and Ashe Turnpike Company.

An act to incorporate the Deep River, Saxapahaw and Danville Railroad Company.

The Senate adjourned until 7:30 P. M. to-day.

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## EVENING SESSION.

SENATE CHAMBER, February 25th, 1875.

The Senate met pursuant to adjournment, at 7:30 P. M.

On motion, the calendar was placed at the disposal of the Chair.

Bills on third reading were acted upon as follows:

S. B. No. 284, H. B. No. 117: A bill to be entitled an act to amend chapter 38, as brought forward in Battle's Revisal. The bill was read and passed the third time, the yeas and nays being dispensed with by consent.

S. B. No. 280: A bill to be entitled an act to authorize the city of Wilmington to issue bonds. The bill was read and passed the third time. Yeas 31, nays none.

*Affirmative*—Messrs. Albright, Busbee, Clement, C. M. Cooke, N. S. Cook, French, Graham, Hargrave, Holton, Irwin, Jenkins, Kerr, Latham, LeGrand, Love, Marler, McCauley,

McElroy, McMillan, Mills, Parish, Paschall, Pegram, Selby, Shaw, Sneed, Taylor, Tucker, Waddell, Walker and Williamson—31.

*Negative*—None.

Bills on second reading were acted upon as follows:

S. B. No. 164: A bill to be entitled an act to punish a person for obtaining any money, goods, property or anything of valne from any person or corporation, by means of a false promise that he will convey to them in payment of the same certain real or personal property. The bill was read the second time.

Mr. French offered an amendment, which prevailed.

The yeas and nays being ordered, on demand, the bill passed the second time. Yeas 19, nays 13.

*Affirmative*—Messrs. Albright, Boddie, Busbee, Clement, C. M. Cooke, N. S. Cook, French, Hargrave, Marler, McCauley, McMillan, Paschall, Selby, Shaw, Smith, Stickney, Sugg, Tucker and Waddell—19.

*Negative*—Messrs. Graham, Holton, Irwin, Jenkins, LeGrand, Love, McElroy, Morehead, Pegram, Sneed, Walker, Williamson and Young—13.

S. B. No. 290: A bill to be entitled an act in regard to compromises. The bill was read the second time.

Mr. Shaw offered an amendment, which prevailed.

Pending its consideration, Mr. Busbee moved to re-commit the bill to the Committee on Judiciary. The motion to re-commit prevailed.

S. B. No. 174, H. B. No. 79: A bill to be entitled an act to incorporate Newbern Golden Link Lodge, No. 1,632, G. U. O. of Odd Fellows. The bill was read and passed the second time.

On motion, the rules were suspended, and the bill was read and passed the third time, the yeas and nays being dispensed with by consent.

S. B. No. 196, H. B. No. 132: A bill to be entitled an act

to prevent the felling of trees in Pigeon river, in Haywood county. The bill was read the second time.

Mr. Latham moved to indefinitely postpone the bill. The motion prevailed.

S. B. No. 201, H. B. No. 118: A bill to be entitled an act to amend Battle's Revisal, chapter 17, sections 198 and 199, in relation to attachments. The bill was read and passed the second time.

S. B. No. 205: A bill to be entitled an act to require all fire insurance companies, not incorporated under the laws of this State, to make a deposit of securities. The bill was read the second time.

Mr. Jenkins moved that the bill be indefinitely postponed. The motion prevailed.

S. B. No. 223, H. B. No. 156: A bill to be entitled an act to amend chapter 17, of Battle's Revisal, known as the Code of Civil Procedure, title 12, section 276, sub-division 4. The bill was read and passed the second time.

S. B. No. 243: A bill to be entitled an act to amend the charter of the town of Kinston, in the county of Lenoir, and for other purposes. The bill was read the second time.

The amendments proposed by the Committee on Corporations were adopted, and the bill passed the second time.

On motion, the rules were suspended, and the bill was read and passed the third times, the yeas and nays being dispensed with by consent.

S. B. No. 285, H. B. No. 223: A bill to be entitled an act to amend chapter 105, laws of 1872–'73, as brought forward in Battle's Revisal, chapter 55, section 24, in regard to the allotment of homestead exemptions. The bill was read the second time.

Mr. Jenkins moved to lay the bill upon the table. The motion to table prevailed.

S. B. No. 294, H. B. No. 148: A bill to be entitled an act for the relief of the sureties of T. F. Lee, late sheriff of Wake county. The bill was read and passed the second time.

On motion, the rules were suspended, and the bill was read and passed the third time, the yeas and nays being dispensed with by consent.

S. B. No. 304: A bill to be entitled an act to allow ministers of the gospel of any denomination to vote at any voting place in any township in the county in which they reside. The bill was read the second time.

Mr. Marler moved that the bill be re-committed to the Committee on Privileges and Elections. The motion to re-commit prevailed.

S. B. No. 305: A bill to be entitled an act to amend chapter 17, Battle's Revisal, title 11, Code of Civil Procedure. The bill was read and passed the second time.

S. B. No. 306: A bill to be entitled an act to provide for the pay of registrars and judges and inspectors of elections. The bill was read the second time.

Mr. Latham moved that the bill be indefinitely postponed. The motion prevailed.

S. B. No. 312, H. B. No. 185: A bill to be entitled an act to authorize notary public to take privy examinations of married women in certain cases. The bill was read the second time.

Mr. Latham moved to indefinitely postpone the bill. The motion prevailed.

S. B. No. 316: A bill to be entitled an act to provide a *per diem* for school committeemen. The bill was read the second time.

Mr. Latham moved to lay the bill upon the table. The motion prevailed.

S. B. No. 325: A bill to be entitled an act to amend chapter 76, Battle's Revisal. The bill was read the second time.

Mr. Latham moved to re-commit the bill to the Committee on Judiciary. The motion prevailed.

S. B. No. 339: A bill to be entitled an act to incorporate the "Albemarle Lodge, No. 74, Independent Order of Odd Fellows." The bill was read and passed the second time.

On motion, the rules were suspended, and the bill was read and passed the third time, the yeas and nays being dispensed with by consent.

S. B. No. 340: A bill to be entitled an act to cure defects in certain judicial proceedings arising from mistake of jurisdiction and other causes. The bill was read the second time.

The amendments proposed by the Committee on Judiciary were adopted, and the bill passed the second time.

S. B. No. 341: A bill to be entitled an act to unite legal estates with uses. The bill was read and passed the second time.

S. B. No. 366: A bill to be entitled an act to amend section 13, chapter 27, of Battle's Revisal. The bill was read the second time.

Mr. Latham moved to lay the bill upon the table. The motion prevailed.

S. B. No. 370: A bill to be entitled an act to prohibit the sale of spirituous liquors near Pelham church, in Caswell county. The bill was read and passed the second time.

On motion, the rules were suspended, and the bill was read and passed the third time, the yeas and nays being dispensed with by consent.

S. B. No. 375: A bill to be entitled an act to prohibit the sale of intoxicating liquors within two miles of Cedar Grove and Eno churches, in Orange county. The bill was read and passed the second time.

On motion, the rules were suspended, and the bill was read and passed the third time, the yeas and nays being dispensed with by consent.

S. B. No. 376: A bill to be entitled an act to allow the Superintendent of Public Instruction one clerk, whose salary shall not exceed six hundred dollars per annum. The bill was read the second time.

Mr. Latham moved to lay the bill upon the table. The motion prevailed.

S. B. No. 381: A bill to be entitled an act to amend section

39, chapter 104, Battle's Revisal. The bill was read the second time.

Mr. Latham moved to lay the bill upon the table. The motion prevailed.

S. B. No. 383: A bill to be entitled an act prescribing the mode by which corporations may convey real estate. The bill was read and passed the second time.

S. B. No. 385, H. B. No. 195: A bill to be entitled an act to repeal sections 5, 6 and 9, of Battle's Revisal. The bill was read the second time.

Mr. Busbee moved to lay the bill upon the table.

The yeas and nays being required, the motion prevailed. Yeas 20, nays 14.

*Affirmative*—Messrs. Boddie, Busbee, C. M. Cooke, Graham, Hargrave, Irwin, Jenkins, Kerr, Love, Marler, McCauley, Mills, Morehead, Parish, Paschall, Shaw, Sneed, Stickney, Tucker and Williamson—20.

*Negative*—Messrs. Albright, Clement, N. S. Cook, French, Latham, LeGrand, McElroy, McMillan, Pegram, Selby, Standford, Waddell, Walker and Young—14.

Mr. Standford moved to reconsider the vote by which S. B. No. 92: A bill to be entitled an act for the improvement and reclamation of certain swamp lands in New Hanover and other conties, was made the special order for Tuesday next at 11 A. M., and that it be made the special order for 11 A. M. tomorrow. The motion prevailed.

S. B. No. 391: A bill to be entitled an act to empower Harrison Lindsey to solemize the rites of matrimony. The bill was read the second time.

Mr. Latham moved that the bill be indefinitely postponed. The motion prevailed.

S. B. No. 398, H. B. No. 265: A bill to be entitled an act in relation to writs of certiorari, recordari and supersedeas. The bill was read and passed the second time.

On motion, the rules were suspended, and the bill was read

and passed the third time, the yeas and nays being dispensed with by consent.

S. B. No. 156: A bill to be entitled an act to amend chapter 105, section 28, sub-division 37, Battle's Revisal, relating to fees of Superior Court Clerks. The bill was read the second time.

The amendment proposed by the Committee on Judiciary was adopted, and the bill passed the second time.

S. B. 403: A bill to be entitled an act to provide for the education of adults. The bill was read the second time.

Mr. Latham moved that the bill be indefinitely postponed. The motion prevailed.

S. B. No. 414, H. B. No. 267: A bill to be eniitled an act to prevent the felling of timber in the South Fork river and in Rock and Laurel creeks, in Burke county. The bill was read and passed the second time.

On motion, the rules were suspended, and the bill was read and passed the third time, the yeas and nays being dispensed with by consent.

S. B. No. 421: A bill to be entitled an act concerning salt fish. The bill was read the second time.

Mr. Latham moved to indefinitely postpone the bill. The motion prevailed.

Mr. Morehead moved to take up the motion to reconsider the vote by which S. B. No. 438, H. B. No. 379: A bill to be entitled an act to lay off and establish the county of Coharie, was rejected on its second reading. The motion prevailed.

The yeas and nays being required, the bill was rejected. Yeas 6, nays 28.

*Affirmative*—Messrs. C. M. Cooke, Kerr, LeGrand, Pegram, Standford and Waddell—6.

*Negative*—Messrs. Albright, Boddie, Busbee, Clement, N. S. Cook, French, Graham, Hargrave, Irwin, Jenkins, Latham, Love, Marler, McCauley, McElroy, McMillan, Mills, Morehead, Parish, Paschall, Selby, Shaw, Sneed, Stickney, Taylor, Walker, Williamson and Young—28.

Mr. Kerr moved that the Senate do now adjourn.

The yeas and nays being required, the Senate refused to adjourn. Yeas 14, nays 19.

*Affirmative*—Messrs. Albright, Boddie, Busbee, Clement, C. M. Cooke, Hargrave, Jenkins, Kerr, McCauley, McMillan, Shaw, Standford, Stickney, Tucker and Waddell—14.

*Negative*—Messrs. N. S. Cook, French, Graham, Irwin, Latham, LeGrand, Love, Marler, McElroy, Morehead, Parish, Paschall, Pegram, Selby, Sneed, Taylor, Walker, Williamson and Young—19.

Thereupon the Senate resumed the consideration of bills on second reading as follows:

S. B. No. 422: A bill to be entitled an act to provide for taking census. The bill was read the second time.

Mr. Latham moved that the bill be indefinitely postponed. The motion prevailed.

Mr. C. M. Cooke moved that the Senate do now adjourn.

The yeas and nays being required, the Senate refused to adjourn. Yeas 14, nays 19.

*Affirmative*—Messrs. Busbee, C. M. Cooke, Hargrave, Irwin, McCauley, Mills, Parish, Paschall, Selby, Shaw, Standford, Stickney, Waddell and Williamson—14.

*Negative*—Messrs. Clement, N. S. Cook, French, Graham, Jenkins, Kerr, Latham, LeGrand, Love, Marler, McElroy, McMillan, Morehead, Pegram, Sneed, Taylor, Tucker, Walker and Young—19.

The Senate then resumed the consideration of bills on second reading, as follows:

S. B. No. 423: A bill to be entitled an act to amend 1st and 2nd sections of Battle's Revisal, chapter 115, page 835. The bill was read the second time.

Mr. Latham moved that the bill be indefinitely postponed.

The yeas and nays being required, the motion prevailed. Yeas 24, nays 5.

*Affirmative*—Messrs. Busbee, C. M. Cooke, N. S. Cook, French, Graham, Hargrave, Irwin, Jenkins, Kerr, Latham,

LeGrand, Linney, Love, Marler, McCauley, McElroy, McMillan, Morehead, Parish, Paschall, Pegram, Shaw, Standford, Waddell and Williamson—24.

*Negative*—Messrs. Mills, Selby, Sugg, Taylor and Tucker—5.

S. B. No. 424: A bill to be entitled an act to amend section 54, of chapter 61, of Battle's Revisal. The bill was read and passed the second time.

S. B. No. 432: A bill to be entitled an act to secure the enforcement of the criminal law. The bill was read the second time.

Mr. Latham moved that the bill be indefinitely postponed. The motion prevailed.

S. B. No. 434: A bill to be entitled an act for the relief of S. G. Brigman, former sheriff of Madison county. The bill was read the second time.

Mr. Latham moved that the bill be indefinitely postponed. The motion prevailed.

S. B. No. 435: A bill to be entitled an act to declare Neuse river a lawful fence from the Falls of Neuse to Ezekiel's Rock, in Wake county. The bill was read and passed the second time.

On motion, the rules were suspended, and the bill was read and passed the third time, the yeas and nays being dispensed with by consent.

S. B. No. 451: A bill to be entitled an act concerning evidence in cases of fraud, where State is concerned. The bill was read the second time.

Mr. Busbee moved to re-commit the bill to the Committee on Judiciary. The motion prevailed.

Mr. LeGrand moved that the Senate do now adjourn. The yeas and nays being required, the motion prevailed. Yeas 23, nays 9.

*Affirmative*—Messrs. C. M. Cooke, N. S. Cook, Hargrave, Irwin, Jenkins, LeGrand, McCauley, McElroy, McMillan, Mills, Morehead, Parish, Paschall, Pegram, Selby, Shaw,

Sneed, Standford, Stickney, Taylor, Tucker, Waddell and Williamson—23.

*Negative*—Messrs. Busbee, Clement, French, Graham, Kerr, Latham, Love, Marler and Walker—9.

Thereupon the Senate stood adjourned until 11 A. M. to-morrow.

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## SIXTY-FIFTH DAY.

SENATE CHAMBER, February 26th, 1875.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Mangum.

The Journal of yesterday was read.

The Chair announced that the hour had arrived for the special order, to-wit:

S. B. No. 92: A bill to be entitled an act for the improvement and reclamation of certain swamp lands in New Hanover and other counties.

On motion, the further consideration of the bill was postponed, and made the special order for to-day at 12 M.

Leaves of absence were granted as follows:

To Mr. N. S. Cook, leave until Monday next;

To Mr. Holton, leave until Monday next;

To Mr. C. M. Cooke, leave for to-day;

To Mr. Sneed, leave until Tuesday;

To Mr. Cashwell, leave until Monday;

To Mr. Irwin, leave until Tuesday.

Reports from Standing Committees were submitted, as follows:

From Committee on Internal Improvements:

By Mr. Mills, S. B. No. 691: A bill to be entitled an act to

compel the Carolina Central Railway to complete its road to Shelby, North Carolina, with accompanying amendments.

From Committee on Finance:

By Mr. Graham, H. B. No. 339, S. B. No. 654: A bill to be entitled an act in regard to the mode of keeping the public accounts, with a recommendation that it do not pass.

From Committee on Insane Asylum:

By Mr. Mills, S. B. No. 191: A bill to be entitled an act for the support of the Insane Asylum of North Carolina, with a recommendation that it do pass.

From Committee on Agriculture, Mechanics and Mining:

By Mr. Selby, H. B. No. 344, S. B. No. 584: A bill to be entitled an act to amend chapter 39, Battle's Revisal, entitled Draining Wet Lands, with a recommendation that it do pass.

From Committee on Judiciary:

By Mr. McCauley, S. B. No. 540: A bill to be entitled an act relating to the jurisdiction of justices of the peace, with a recommendation that it do not pass.

S. B. No. 513: A bill to be entitled an act to amend section 16, chapter 90, Battle's Revisal, with a recommendation that it do not pass.

By Mr. Morehead, S. B. No. 290: A bill to be entitled an act in regard to compromises, with accompanying amendments.

By Mr. Shaw, S. B. No. 451: A bill to be entitled an act concerning evidence in cases of fraud, where the State is concerned, with a recommendation that it do pass.

By Mr. Peebles, S. B. No. 690: A bill to be entitled an act to extend the time of bank loans, with a recommendation that it do not pass.

From Committee on Propositions and Grievances:

By Mr. Latham, S. B. No. 722: A bill to be entitled an act to amend an act to prohibit the sale of spiritnous liquors in certain localities, ratified 16th of February, 1874, with a recommendation that it do pass.

H. B. No. 353, S. B. No. 707: A bill to be entitled an act to prevent the sale of any intoxicating liquors within three

miles of Asheville and Spartansburg railroad, with a recommendation that it do pass.

S. B. No. 720: A bill to be entitled an act concerning applications for prohibition of the sale of spirituous liquors or repeal of prohibitory law in the State.

H. B. No. 479, S. B. No. 710: A bill to be entitled an act to repeal a portion of chapter 137, laws of 1873–'74, with a recommendation that it do pass.

Mr. Latham asked and obtained leave to report from the Committee on Propositions and Grievances, a memorial from the Grand Lodge, Independent Order of Good Templars, which was referred to that Committee, with a recommendation that the accompanying bill do not pass.

From Committee on Corporations:

By Mr. Busbee, H. B. No. 580, S. B. No. 706: A bill to be entitled an act to authorize the county commissioners of Brunswick county to submit to the people of that county the question of changing the county seat, with a recommendation that it do pass.

H. B. No. 575, S. B. No. 709: A bill to be entitled an act to continue in force an act to incorporate the Bank of Raleigh, with a recommendation that it do pass.

S. B. No. 692: A bill to be entitled an act to amend section 1, chapter 59, of the laws of 1873–'74, with a recommendation that it do pass.

S. B. No. 541: A bill to be entitled an act to amend the charter of the city of Wilmington, with a recommendation that it do pass.

S. B. No. 678: A bill to be entitled an act to incorporate the Wilmington and Coast Turnpike Company, with a recommendation that it do passs.

Mr. Graham asked and obtained leave to report from the Committee on Finance, in compliance with S. R. No. 189: Resolution of instruction to the Finance Committee in regard to the bonds known as construction bonds of North Carolina Railroad, which report is filed with the resolution.

The following named bills and resolutions were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows:

By message from the House of Representatives, H. B. No. 623: A bill to be entitled an act to amend chapter 50, private laws of 1871–'72, entitled an act to incorporate the town of Boone, in the county of Watauga. Placed on the calendar.

H. B. No. 240: A bill to be entitled an act to prevent the felling trees and throwing obstructions in Big Bear creek, in Stanly county. To the Committee on Propositions and Grievances.

H. B. No. 288: A bill to be entitled an act to extend and define the corporate limits of the town of Morganton. To the Committee on Corporations.

H. B. No. 324: A bill to be entitled an act to allow the commissioners of Ashe county to levy a special tax. To the Committee on Propositions and Grievances.

H. B. No. 284: A bill to be entitled an act to incorporate the town of Rose Hill, in the county of Duplin. To the Committee on Corporations.

H. B. No. 300: A bill to be entitled an act to incorporate Columbus Lodge, No. 27, Independent Order of Odd Fellows. To the Committee on Corporations.

H. B. No. 302: A bill to be entitled an act to amend chapter 17, section 57, Battle's Revisal, concerning parties to action to recover real estate. To the Committee on Judiciary.

H. B. No. 303: A bill to be entitled an act to define what interests in real estate may be sold under execution. To the Committee on Judiciary.

H. B. No. 674: A bill to be entitled an act for the protection of birds in the counties of Davidson, Randolph, Rowan, Anson, Warren, Guilford and Edgecombe. To the Committee on Agriculture, Mechanics and Mining.

H. B. No. 297: A bill to be entitled an act to amend an act to incorporate the town of Whitake's, in the counties of Nash and Edgecombe. To the Committee on Corporations.

H. B. No. 312: A bill to be entitled an act to punish breaking into an uninhabited house with intent to commit a felony. To Committee on Judiciary.

By Mr. Parish: A bill to be entitled an act to require sheriffs to advertise their sales in the county newspaper, and for other purposes. To the Committee on Judiciary.

By Mr. Peebles: A bill to be entitled an act to protect the right of trial by jury. To the Committee on Judiciary, and ordered to be printed.

By Mr. McCauley: A bill to be entitled an act to authorize John J. Hasty, former sheriff of Union county, to collect arrears of taxes. To the Committee on Propositions and Grievances.

By Mr. Graham: A bill to be entitled an act to amend an act entitled "an act to prevent live stock from running at large in Cabarrus and certain other counties," ratified February 12th, 1875. Placed on the calendar.

By Mr. Latham: A bill to be entitled an act to amend section 6, chapter 105, Battle's Revisal, entitled Salaries and Fees. To the Committee on Judiciary.

At 12 M. the chair announced that the hour had arrived for the special order, to-wit:

S. B. No. 92: A bill to be entitled an act for the Improvement and reclamation of certain swamp lands in New Hanover and other counties.

On motion, the further consideration of the bill was postponed and made the special order for Tuesday, March 2nd, at 12 M.

Mr. McMillan moved to reconsider the vote by which S. B. No. 205: A bill to be entitled an act to require all fire insurance companies not incorporated under the laws of this State, to make a deposit of securities, was indefinitely postponed on its second reading. Placed on the calendar.

Resolutions upon their adoption, were acted upon, as follows:

S. R. No. 345, H. R. No. 91: Resolution in relation to the Western North Carolina Railroad. Read and adopted.

S. R. No. 681 : Resolution for the settlement of the public debt. Read, and referred to the Joint Select Committee on public debt.

The following bills were read and passed the third time, the yeas and nays being dispensed with by consent :

S. B. No. 164 : A bill to be entitled an act to punish a person for obtaining any money, goods, property or anything of value from any person or corporation by means of a false promise that he will convey to them in payment of the same certain real or personal property.

S. B. No. 201, H. B. No. 118 : A bill to be entitled an act to amend Battle's Revisal, chapter 17, section 198 and 199, in relation to attachments.

S. B. No. 223, H. B. No. 156 : A bill to be entitled an act to amend chapter 17, of Battle's Revisal, known as the Code of Civil Procedure, title 12, section 276, sub-division 4.

S. B. No. 305 : A bill to be entitled an act to amend chapter 17, Battle's Revisal, title 11, Code of Civil Procedure.

S. B. No. 340 : A bill to be entitled an act to cure defects in certain judicial proceedings arising from mistake of jurisdiction, and other causes.

S. B. No. 383 : A bill to be entitled an act prescribing the mode by which corporations may convey real estate.

S. B. No. 341 : A bill to be entitled an act to unite legal estates with uses.

S. B. No. 424 : A bill to be entitled an act to amend section 54, of chapter 61, of Battle's Revisal.

Bills on third reading, were further acted upon, as follows :

H. B. No. 39, S. B. No. 115 : A bill to be entitled an act to amend title 7, section 82, of the Code of Civil Procedure.

On motion of Mr. McCauley, laid upon the table.

S. B. No. 156 : A bill to be entitled an act to amend chapter 105, section 28, sub-division 37, Battle's Revisal, relating to fees of Superior Court Clerks.

The bill was read the third time and rejected. Yeas 17, nays 21.

*Affirmative*—Messrs. Albright, Boddie, Clement, Hargrave, Holton, Irwin, Latham, Love, McElroy, McMillan, Morehead, Pegram, Selby, Shaw, Smith, Sugg and Williamson—17.

*Negative*—Messrs. Bryan, Busbee, N. S. Cook, French, Graham, Jenkins, Jernigan, Kerr, LeGrand, Mabson, Marler, McCauley, Mills, Parish, Paschall, Peebles, Standford, Taylor, Tucker, Waddell and Walker—21.

Mr. Busbee moved to reconsider the vote just had. The motion prevailed.

The bill was then read and passed the third time, the yeas and nays being dispensed with by consent.

Bills on second reading were acted upon, as follows:

S. B. No. 35: A bill to be entitled an act in relation to insurance companies and other corporations.

On motion of Mr. Williamson, the bill was indefinitely postponed.

S. B. No. 444, H. B. No. 308: A bill to be entitled an act to prohibit the sale of spirituous liquors within one mile of Mott's Grove Camp Ground, and of Rehoboth church, in Catawba county. The bill was read and passed the second time.

On motion, the rules were suspended, and the bill passed the third time, the yeas and nays being dispensed with by consent.

S. B. No. 455: A bill to be entitled an act to reimburse the several counties for the maintenance of idiots.

On motion of Mr. Marler, the bill was laid upon the table.

S. B. No. 470: A bill to be entitled an act to amend Battle's Revisal, chapter 105, section 25, sub. 2, section 28, sub. 17.

On motion of Mr. Parish, the bill was laid upon the table.

S. B. No. 475: A bill to be entitled an act to amend section 25, chapter 104, of Battle's Revisal.

On motion of Mr. Marler, the bill was indefinitely postponed.

S. B. No. 476, H. B. No. 360: A bill to be entitled an act

to protect the stock of the citizens of Forsythe county. The bill was read and passed the second time.

On motion, the rules were suspended, and the bill read and passed the third time, the yeas and nays being dispensed with by consent.

S. B. No. 477, H. B. No. 420: A bill to be entitled an act to define the rights of counsel. The bill was read and passed the second time.

The rules were suspended, and the bill read and passed the third time, the yeas and nays being dispensed with by consent.

S. B. No. 485: A bill to be entitled an act to amend section 5, chapter 48, of Battle's Revisal.

On motion of Mr. Williamson, the bill was laid upon the table.

S. B. No. 486: A bill to be entitled an act concerning Battle's Revisal. The bill was read and passed the second time.

S. B. No. 496: A bill to be entitled an act to repeal sections 50, 51 and 52, chapter 63, Battle's Revisal, entitled "Justices and their Jurisdiction."

On motion of Mr. Williamson, the bill was indefinitely postponed.

S. B. No. 499, H. B. No. 201: A bill to be entitled an act to amend section 150, chapter 32, Battle's Revisal.

On motion of Mr. Williamson, the bill was indefinitely postponed.

Bills were acted on, under a suspension of the rules, as follows:

S. B. No. 676: A bill to be entitled an act to re-assess the real property of Pitt county.

The bill was read and passed the second and third times, the yeas and nays being dispensed with by consent.

S. B. No. 691: A bill to be entitled an act to compel the Carolina Central Railway to complete its road to Shelby, N. C.

The amendment proposed by the Committee on Internal Improvements prevailed, and the bill passed the second time.

The bill was then read and passed the third time, the yeas and nays being dispensed with by consent.

Mr. Jenkins moved to reconsider the vote just had, and to lay that motion upon the table. The motion prevailed.

S. B. No. 669, H. B. No. 579: A bill to be entitled an act to incorporate Swann's Station, in the county of Moore.

The bill was read and passed the second and third times, the yeas and nays being dispensed with by consent.

S. B. No. 698, H. B. No. 530: A bill to be entitled an act to authorize the county commissioners of Montgomery county to levy a special tax.

The bill was read and passed the second time. Yeas 30, nays none.

*Affirmative*—Messrs. Albright, Boddie, Busbee, Clement, French, Graham, Hargrave, Irwin, Jernigan, Kerr, Latham, LeGrand, Love, Marler, McElroy, McMillan, Mills, Paschall, Peebles, Pegram, Selby, Shaw, Smith, Stickney, Sugg, Taylor, Tucker, Waddell, Walker and Williamson—30.

*Negative*—None.

S. R. No. 606, H. R. No. 76: Resolution in favor of the salary of Judge McKay. The resolution was read.

Mr. LeGrand moved to lay the resolution upon the table. The motion did not prevail.

Mr. Albright moved that the resolution be re-committed to the Committee on Claims. The motion prevailed.

H. B. No. 455, S. B. No. 617: A bill to be entitled an act to incorporate "the Shaw University."

The bill was made the special order for to-morrow at 11:30 A. M.

The following named bills, amendments and resolutions, reported as correctly engrossed by the Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence:

S. B. No. 691: A bill to be entitled an act to compel the Carolina Central Railway to complete its road to Shelby, N. C.

S. B. No. 378: A bill to be entitled an act providing for

By Mr. Blythe: A bill to amend section 2, chapter 38, of Battle's Revisal; and

By Mr. Jetton: A bill to amend section 11, chapter 53, Battle's Revisal. Both of which were referred to the Committee on the Judiciary.

By Mr. Tate: A bill in relation to the Western North Carolina Railroad, which was ordered to be printed.

On motion of Mr. Strong,

H. B. No. 455: A bill to incorporate the Shaw University, was put on its several readings and passed, and was ordered to be engrossed and sent to the Senate.

Mr. Strong moved that the vote by which the bill passed its third reading, be reconsidered, and that motion be laid on the table; and the motion to table prevailed.

Leave of absence was granted Mr. Mitchell, indefinitely, on account of sickness.

To Mr. Mizzell until Tuesday next, on account of private business; and

To Mr. Carey, from and after to-day until Thursday, on account of sickness.

The unfinished business of yesterday, being

S. B. No. 13, was resumed.

The question was on the amendment of Mr. Means.

Mr. Moring moved to indefinitely postpone the whole matter, but withdrew his motion, by leave of the House, to proceed with his remarks.

Mr. Gudger renewed the motion to postpone indefinitely, which was withdrawn by him, and the question was again on the amendment, on which Mr. Gudger called the yeas and nays.

On the call of Mr. Staples, the previous question was ordered.

Several notices of amendments were given.

The amendment of Mr. Means was then rejected by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Barrett, Bennett, Boyd, Bryan, Bryson, Carson, Finger, Gash, Holt, Hooker, Isler, Jessup, Jetton, Johnston, King, McCalop, McIver, McRae, Mebane, Moring, Moseley, Oaksmith, Page, Richardson, Smith of Hyde, Staton, Stephenson, Strong, Tate, Thompson of Beaufort, Walker of Richmond, Wheeler, Wiley, Wood and Woodhouse—37.

The following gentlemen voted in the negative:

Messrs. Barnhardt of Caldwell, Bernheardt of Rowan, Bettis, Blythe, Candler, Crews, Davis of Haywood, Davis of Jackson, Dorth, Eatman, Elliott, Erwin, Etheride, Fields, Freeman, Gaither, Garrison, Godwin, Good, Green, Griffin, Gudger, Haymore, Hill, Hughes, Hurley, Latta, Lloyd, Martin, McCubbins, McNeill, Mock, Mullen, Munden, Newell, Patton, Pinnix, Sharpe, Smith of Anson, Staples, Stowe, Thompson of Lincoln, Thorne, Trivett, Walker of Tyrrell, Ward, Whisnant, White and Whitley—49.

Mr. Gudger having voted in the affirmative, asked leave to change his vote, and gave notice in so doing, his object was to reconsider.

Mr. Gudger moved to adjourn, which motion the Speaker ruled out of order during the pendency of the previous question.

Mr. Gudger moved to reconsider the vote by which the House refused to adopt Mr. Mean's amendment, and to lay that motion on the table.

Mr. Gudger asked permission to withdraw the motion to table.

Objection being made, Mr. Mebane moved that the gentleman (Mr. Gudger) be allowed to withdraw his motion.

On the call of Mr. Gudger, the yeas and nays were called, and the House refused to permit the withdrawal of the motion to table by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Barrett, Bennett, Finger, Gash, Gudger, Hill, Holt, Hooker, Isler, Jessup, Johnston, McCalop, McIver, McRae, Mebane, Moring, Oaksmith, Page, Richardson, Smith of

filling of vacancies occurring in the boards of county commissioners in the State.

S. B. No. 701: A bill to be entitled an act defining the jurisdiction of the mayor of the city of Charlotte.

S. B. No. 7: A bill to be entitled an act to require the registration of deeds.

The following bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

An act to incorporate the town of Shelby, in Cleaveland county.

An act to allow a mortgage deposit in courts of the State.

An act to create another township in Lenoir county.

An act to incorporate the Board of Directors of the Hickory High School, in the county of Catawba.

An act to incorporate the Direct Trade Union, Patrons of Husbandry.

An act to lay off and establish a free turnpike, in Burke and Mitchell counties, and to improve the road from Morganton to William Morris', on the Blue Ridge.

An act to provide for the support of the North Carolina Institution for the Deaf and Dumb and the Blind for the years 1875 and 1876.

The Senate adjourned until 7:30 P. M., to-day.

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## EVENING SESSION.

SENATE CHAMBER, February 26th, 1875.

The Senate met pursuant to adjournment at 7:30 P. M.

Mr. LeGrand was excused on account of sickness.

The following named bills and resolutions were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows:

By Mr. Shaw: A bill to be entitled an act supplemental to an act to incorporate the Elizabeth City and Norfolk Railroad Company. To the Committee on Internal Improvements.

A bill to be entitled an act to incorporate the North State Transportation Company. To the Committee on Internal Improvements.

By Mr. Marler: Resolution to place calendar at disposal of the Chair. The resolution was read and adopted.

The following bills on second reading, were read and passed the second time, and also the third time, under a suspension of the rules, the yeas and nays being dispensed with by consent:

S. B. No. 500, H. B. No. 186: A bill to be entitled an act to amend chapter 137, laws of 1873–'74.

S. B. No. 506, H. B. No. 440: A bill to be entitled an act to relieve the counties of the State from the payment of the costs and expenses of criminal prosecutions.

S. B. No. 524, H. B. No. 351: A bill to be entitled an act to amend chapter 146, laws 1872–'73.

S. B. 527, H. B. No. 230: A bill to be entitled an act to amend chapter 105, section 39, Battle's Revisal, as brought forward from Revised Code, chapter 102, section 37, entitled "Salaries and Fees."

S. B. No. 533: A bill to be entitled an act to lay out and construct a public road from Edwin D. Grier's store to Jefferson, in Ashe county.

S. B. No. 541: A bill to be entitled an act to amend the charter of the city of Wilmington.

S. B. No. 547, H. B. No. 433: A bill to be entitled an act to amend an act entitled an act to amend the charter of the Cheoah Turnpike Company.

S. B. No. 567, H. B. No. 419: A bill to be entitled an act to amend an act to incorporate the Cheoah Turnpike Company, by authorizing the construction of the branch road from Valley river, Cherokee county, to Haysville, Clay county.

S. B. No. 584, H. B. 344: A bill to be entitled an act to

amend chapter 39, Battle's Revisal, entitled "Draining Wet Lands."

S. B. No. 603: A bill to be entitled an act to prohibit the sale of spirituous liquors within two miles of Lenoir Institute, in the county of Lenoir.

S. B. 614: A bill to be entitled an act to amend section 12, chapter 100, of Battle's Revisal.

S. B. No. 619: A bill to be entitled an act for the relief of disabled soldiers.

S. B. No. 678: A bill to be entitled an act to incorporate the Wilmington and Coast Turnpike Company.

S. B. No. 663: A bill to be entitled an act to amend an act entitled an act in favor of certain officers and tax-payers of Nash county, it being chapter 70, public laws of 1873–'74.

S. B. No. 655, H. B. No. 409: A bill to be entitled an act to incorporate Cedar Fork Lodge No. 342, Free and Accepted Masons.

S. B. No. 658, H. B. No. 521: A bill to be entitled an act to incorporate Lodge No. 1, Grand Order of the Patrons of Mercy, Wilmington, N. C.

S. B. No. 659: A bill to be entitled an act to protect terrapins.

The following named bills and resolutions on second reading, were read the second time, and, on motion, laid upon the table:

S. B. No. 545: A bill to be entitled an act creating the insurance department of North Carolina.

S. B. No. 553: A bill to be entitled an act to amend section 38, chapter 33, Battle's Revisal.

S. B. No. 555: A bill to be entitled an act to prevent the felling of trees in any of the water courses west of the Blue Ridge, and for other purposes.

S. B. No. 557: A bill to be entitled an act for the protection of public roads.

S. B. No. 573: A bill to be entitled an act concerning insurance companies.

S. B. No. 571: A bill to be entitled an act to provide for building public school houses in North Carolina.

S. B. No. 576: A bill to be entitled an act explanatory of an act prohibiting the sale of intoxicating liquors in townships where the people so determine, and for other purposes.

S. B. No. 590: A bill to be entitled an act to encourage the raising of birds in North Carolina.

S. R. No. 596: Resolution urging Congress to extend aid to the Southern Pacific Railway, from San Diego to Wilmington, N. C.

The following named bills on second reading, were read the second time, and, on motion, indefinitely postponed:

S. B. No. 508: A bill to be entitled an act to better compensate commissioners.

S. B. No. 510: A bill to be entitled an act to prevent the obstruction of fish in New Begun creek, Pasquotank county.

S. B. No. 513: A bill to be entitled an act to amend section 16, chapter 90, Battle's Revisal.

S. B. No. 526, H. B. No. 453: A bill to be entitled an act to amend sections 21 and 22, chapter 117, Battle's Revisal.

S. B. No. 598: A bill to be entitled an act to provide for laying out lands.

S. B. No. 656, H. B. No. 493: A bill to be entitled an act to amend section 496, Code of Civil Procedure, as brought forward in Battle's Revisal, chapter 63, section 12.

S. B. No. 654, H. B. No. 339: A bill to be entitled an act in regard to the mode of keeping the public accounts.

Bills and resolutions on second reading, were further acted upon, as follows:

S. B. No. 451: A bill to be entitled an act concerning evidence in cases of fraud where State is concerned. The bill was read and passed the second time.

S. B. No. 528, H. B. No. 456: A bill to be entitled an act to restrict the fishing of pod nets in the Albemarle sound, being a substitute proposed by the House of Representatives for S. B. No. 450, H. B. No. 445: A bill to be entitled an act to

prevent obstructions to the passage of fish up Albemarle sound, and the rivers emptying into it.

The Senate refused to concur in the substitute proposed, and a message to that effect was ordered to be sent to the House of Representatives.

S. B. No. 585, H. B. No. 393: A bill to be entitled an act to incorporate the town of Morrisville, in the county of Wake.

The bill was read and passed the second time. Yeas 31, nays none.

*Affirmative*—Messrs. Albright, Boddie, Bryan, Busbee, Clement, C. M. Cooke, French, Graham, Hargrave, Jenkins, Jernigan, Latham, Love, Marler, McElroy, McMillan, Mills, Parish, Paschall, Peebles, Pegram, Selby, Smith, Sneed, Stickney, Sugg, Taylor, Tucker, Waddell, Walker and Williamson—31.

*Negative*—None.

S. B. No. 589, H. B. No. 503: A bill to be entitled an act to amend election laws.

The bill was read the second time, and, on motion, was recommitted to Committee on Privileges and Elections.

S. B. No. 191: A bill to be entitled an act for the support of the Insane Asylum of Nortn Carolina.

The bill was read the second time, and, on motion of Mr. Mills, was postponed and made the special order for 1 P. M. to morrow.

S. B. No. 610: A bill to be entitled an act concerning corporations.

The bill was read the second time, and, on motion of Mr. Marler, was referred to the Committee on Judiciary.

S. B. No. 624: A bill to be entitled an act concerning fire companies, &c.

The bill was read the second time, and, on motion of Mr. Graham, was referred to the Committee on Judiciary.

S. R. No. 638: Resolntion for the relief of John L. Herritage. The bill was read the second time.

Mr. Latham moved that the further consideration of the bill

be postponed and made the special order for Tuesday, March 2d, at 12:30 P. M. The motion prevailed.

S. B. No. 653, H. B. No. 332: A bill to be entitled an act to amend chapter 71, section 6, of the laws of 1873–'74. The bill was read the second time.

The amendments proposed by the Committee on Judiciary were adopted, and the bill, as amended, passed the second time.

On motion, the rules were suspended, and the bill was read and passed the third time, the yeas and nays being dispensed with by consent.

The Senate then adjourned until 10 A. M. to-morrow.

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## SIXTY-SIXTH DAY.

SENATE CHAMBER, February 27th, 1875.

The Senate met pursuant to adjournment.

On motion, the reading of the Journal of yesterday was dispensed with.

Mr. Graham moved that a message be sent to the House of Representatives informing that body that the Senate would proceed at 12 M. to the election of seventeen trustees of the State University, and that the following nominations be transmitted to the House of Representatives for concurrence, to-wit:

Messrs. B. F. Moore to fill the vacancy occasioned by the death of Mr. C. B. Sanders, ———, and to fill vacancies to occur January 1876: Messrs. Paul C. Cameron, K. P. Battle, Z. B. Vance, J. A. Graham, Samuel H. Walkup, B. F. Grady, E. Hayne Davis, John E. Dugger, W. H. Battle, Matthias E. Manly, Louis C. Latham, C. W. Broadfoot, P. H. Winston, Jr., W. N. Mebane, John O. Hicks and C. D. Smith.

The motion prevailed.

The Chair designated Messrs. Graham and LeGrand to conduct the election on the part of the Senate.

A message was received from the House of Representatives informing the Senate that that body would proceed to the election of seventeen trustees of the University at 12 o'clock today, and had appointed Messrs. Mebane and Wheeler to superintend said election.

At 12 o'clock the Senate proceeded to the election of trustees, as aforesaid.

Mr. Williamson nominated Mr. E. B. Withers.

Mr. Standford nominated Mr. R. W. Nixon.

Mr. Tucker nominated Mr. Edward Cantwell.

The election resulted as follows:

B. F. Moore received 29 votes; P. C. Cameron, 29; K. P. Battle, 29; Z. B. Vance, 29; J. A. Graham, 29; Samuel H. Walkup, 29; B. F. Grady, 29; E. Hayne Davis, 29; John E. Dugger, 29; W. H. Battle, 29; Matthias E. Manly, 29; Lonis C. Latham, 29; C. W. Broadfoot, 29; P. H. Winston, Jr., 31; W. N. Mebane, 29; John O. Hicks, 29; C. D. Smith, 29; R. W. Nixon, 2; E. B. Withers, 2, and Edward Cantwell, 1.

Reports from Standing Committees were submitted as follows:

From Committee on Internal Improvements:

By Mr. Waddell, S. B. No. 731: A bill to be entitled an act supplemental to an act to incorporate the Elizabeth City and Norfolk Railroad Company, with a recommendation that it do pass.

S. B. No. 730: A bill to be entitled an act to incorporate the North State Transportation Company, with a recommendation that it do pass.

From Committee on Finance:

By Mr. Graham, S. B. No. 416, H. B. No. 331: A bill to be entitled an act to divest the jurisdiction of the Superior Courts over misdemeanors in failing to list polls and property, and for other purposes, with accompanying amendments.

From Committee on Claims:

By Mr. French, S. R. No. 399: Resolution in favor of Moses A. Bledsoe, with a recommendation that it do not pass.

By Mr. Williamson, S. R. No. 606, H. R. No. 76: Resolution in favor of the salary of Judge McKay, judge 4th judicial district with, a recommendation that it do pass.

The following named bills and resolutions were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows:

By Mr. Busbee: A bill to be entitled an act in relation to charters of cities and towns.

By Mr. Standford: A bill to be entitled an act to amend an act passed at the present session of the General Assembly to change the time of holding the courts in the third judicial district.

By Mr. Morehead: A bill to be entitled an act to amend the charter of the Western Railroad Company.

By message from the House of Representatives, H. B. No. 550: A bill to be entitled an act to authorize county commissioners of Cherokee county to levy a special tax. To the Committee on Propositions and Grievances.

H. B. No. 499: A bill to be entitled an act to prohibit the sale of intoxicating drinks within one mile of the court house of Dallas, Gaston county. To the Committee on Propositions and Grievances.

H. B. No. 565: A bill to be entitled an act to provide for payment of costs and other indemnity of officers in certain cases. To the Committee on Judiciary.

H. B. No. 586: A bill to be entitled an act to amend section 19, chapter 32, Battle's Revisal, in relation to crimes and punishments. To the Committee on Judiciary.

H. B. No. 548: A bill to be entitled an act authorizing the commissioners of Pitt county to levy a special tax. To the Committee on Propositions and Grievances.

S. B. No. 511: A bill to be entitled an act to authorize the board of commissioners of Haywood county to levy a special tax. To the Committee on Propositions and Grievances.

H. B. No. 544: A bill to be entitled an act to incorporate the American Mining Company, in the county of Haywood. To the Committee on Agriculture, Mechanics and Mining.

H. B. No. 648: A bill to be entitled an act to require the officers of the various counties to make reports of all moneys which may come into their hands. To the Committee on Finance.

H. B. No. 463: A bill to be entitled an act to authorize commissioners of Rockingham county to levy a special tax. To the Committee on Propositions and Grievances.

H. B. No. 439: A bill to be entitled an act to incorporate the Fayetteville and Goldsboro' Railway Company. To the Committee on Internal Improvements.

The following bills on third reading were read and passed the third time, the yeas and nays being dispensed with by consent:

S. B. No. 451: A bill to be entitled an act concerning evidence in cases of fraud, where the State is concerned.

S. B. No. 486: A bill to be entitled an act concerning Battle's Revisal.

S. B. No. 585, H. B. 393: A bill to be entitled an act to incorporate the town of Morrisville, in the county of Wake.

Bills on third reading were further acted upon as follows:

H. B. No. 530, S. B. No. 698: A bill to be entitled an act to authorize the county commissioners of Montgomery county to levy a special tax. The bill was read and passed the third time. Yeas 28, nays none.

*Affirmative*—Mr. President, Messrs. Boddie, Bryan, Busbee, Clement, French, Hargrave, Jenkins, Kerr, Latham, LeGrand, Love, Marler, McElroy, McMillan, Mills, Parish, Paschall, Pegram, Shaw, Standford, Stickney, Sugg, Taylor, Tucker, Waddell, Walker and Williamson—28.

*Negative*—None.

The following bills on second reading were read and passed the second time, and the third time under a suspension of the rules, the yeas and nays being dispensed with by consent:

S. B. No. 731: A bill to be entitled an act supplemental to an act to incorporate the Elizabeth City and Norfolk Railroad Company.

S. B. No. 730: A bill to be entitled an act to incorporate the North State Transportation Company.

H. B. No. 437, S. B. No. 667: A bill to be entitled an act repealing a certain part of chapter 137, laws of 1873–'74.

S. B. No. 729: A bill to be entitled an act to amend an act to prevent live stock from running at large in Cabarrus and certain other counties, ratified February 12, 1875.

H. B. 623, S. B. 727: A bill to be entitled an act to amend chapter 50, private laws of 1871–'72, entitled an act to incorporate the town of Boone, in the county of Watauga.

S. B. No. 722: A bill to be entitled an act to amend an act to prohibit the sale of spirituous liquors in certain localities, ratified February 16, 1874.

H. B. No. 479, S. B. No. 710: A bill to be entitled an act to repeal a portion of chapter 137, laws of 1873–'74.

H. B. No. 575, S. B. No. 709: A bill to be entitled an act to continue in force an act to incorporate the Bank of Raleigh.

H. B. No. 553, S. B. No. 707: A bill to be entitled an act to prevent the sale of any intoxicating liquors within three miles of the Spartanburg and Asheville Railroad.

H. B. No. 576, S. B. No. 708: A bill to be entitled an act to amend chapter 171, laws of 1872–'73.

S. B. No. 693: A bill to be entitled an act concerning the sale of ardent spirits in the island of Ocracoke.

S. B. No. 689: A bill to be entitled an act to amend an act incorporating the town of Statesville.

H. B. No. 392, S. B. No. 679: A bill to be entitled an act to change the dividing line between the counties of Gaston and Lincoln.

S. B. No. 720: A bill to be entitled an act concerning applications for prohibition of the sale of spirituons liquors or repeal of prohibitory laws in this State.

H. B. No. 603, S. B. No. 666: A bill to be entitled an act

to prevent the sale of liquor near Haysville Academy, Clay county.

Bills on second reading were further acted upon, as follows:

S. B. No. 684: A bill to be entitled an act to prevent retailers of spirituous liquors from taking personal property in payment for or in pledge to secure the payment of the same.

On motion, postponed and made the special order for March 8th, at 12 M.

S. B. No. 685: A bill to be entitled an act to amend chapter 137, of laws of North Carolina, 1873–'74.

On motion of Mr. Graham, the bill was indefinitely postponed.

S. B. No. 690: A bill to be entitled an act to extend the time of bank loans.

On motion of Mr. Marler, the bill was indefinitely postponed.

S. B. No. 692: A bill to be entitled an act to amend section 1, chapter 52, and section 1, chapter 59, of the laws of 1873–'74. The bill was read and passed the second time.

S. B. No. 694, H. B. No. 334: A bill to be entitled an act to change the line of Pamlico county. The bill was read the second time.

Mr. Stickney offered an amendment, which prevailed, and the bill passed the second time.

On motion, the rules were suspended, and the bill read and passed the third time, the yeas and nays being dispensed with by consent.

S. B. No. 625: A bill to be entitled an act for the increase of the State Library.

On motion of Mr. LeGrand, the bill was laid upon the table.

S. B. No. 644: A bill to be entitled an act supplemental to an act entitled an act to establish a legal rate of interest and prevent usury.

On motion of Mr. LeGrand the further consideration of the bill was postponed, and made the special order for March 3rd, at 11 A. M.

S. B. No. 705: A bill to be entitled an act concerning the sale of liquor within three miles of Hopkin's chapel, in Wake county. The bill was read the second time.

Mr. Hargrave moved to amend by striking out "three miles" and inserting "two miles." The amendment prevailed, and the bill passed the second time.

On motion, the rules were suspended, and the bill read and passed the third time, the yeas and nays being dispensed with by consent.

Mr. Latham moved to reconsider the vote just had. The motion prevailed.

Mr. Latham moved to strike out "two" and insert "three" miles.

The amendment prevailed, and the bill, as amended, passed the third time, the yeas and nays being dispensed with by consent.

S. B. No. 706, H. B. No. 580: A bill to be entitled an act to authorize the county commissioners of Brunswick county to submit to the people of that county the question of changing the county seat.

The bill was read and passed the second time. Yeas 31, nays none.

*Affirmative*—Messrs. Albright, Boddie, Bryan, Clement, C. M. Cooke, French, Graham, Hargrave, Jenkins, Jernigan, Latham, LeGrand, Love, Marler, McCauley, McIlroy, McMillan, Mills, Parish, Pegram, Selby, Shaw, Smith, Standford, Stickney, Sugg, Taylor, Tucker, Waddell, Walker and Williamson—31.

*Negative*—None.

S. B. 674: A bill to be entitled an act forbidding any white person to hire white children to any person of African descent, forbidding negroes or persons of African descent to seize unprotected white orphans and hold them in slavery.

On motion, made the special order for March 6th, at 12 M.

At 11:30 A. M. the Chair announced that the hour had arrived for the special order, to-wit:

H. B. No. 455, S. B. No. 617: A bill to be entitled an act to incorporate the Shaw University. The bill was read and passed the second time.

On motion, the rules were suspended, and the bill read and passed the third time, the yeas and nays being dispensed with by consent.

Mr. C. M. Cooke moved to reconsider the vote just had.

The motion prevailed.

Mr. Busbee offered an amendment, which was adopted, and the bill passed the third time, the yeas and nays being dispensed with by consent.

Mr. Busbee then moved to reconsider the vote just had. The motion was placed on the calendar.

A message was received from the House of Representatives informing the Senate that that body had refused to recede from its amendments to S. B. No. 450, H. B. No. 445: A bill to be entitled an act to prevent obstructions to the passage of fish up Albemarle sound, and asking a committee of conference.

The Senate acceded to the request for a committee of conference, and the Chair designated Messrs. Standford and C. M. Cooke as the Senate branch of the said committee.

A message was received from the House of Representatives informing the Senate that that body had refused to concur in Senate amendments to H. B. No. 174: A bill to be entitled an act to change the times of holding certain courts in the Eleventh District.

On motion of Mr. McElroy, the Senate receded from its amendment to the bill, and a message was ordered to be sent.

Mr. Mills moved to reconsider the vote by which S. B. No. 451: A bill to be entitled an act concerning evidence in cases of fraud, where the State is concerned, passed its final reading.

The yeas and nays being required, the motion did not prevail. Yeas 9, nays 23.

*Affirmative*– Messrs. French, Jernigan, Kerr, McCauley, Mills, Paschall, Shaw, Standford and Tucker—9.

*Negative*—Messrs. Albright, Boddie, Clement, C. M. Cooke,

Graham, Hargrave, Jenkins, Latham, LeGrand, Love, McElroy, McMillan, Morehead, Parish, Peebles, Pegram, Smith, Stickney, Sugg, Taylor, Waddell, Walker and Williamson —23.

Bills were acted on, under a suspension of the rules, as follows:

S. B. No. 745: A bill to be entitled an act in relation to charters of cities and towns.

The bill was read and passed the second and third times, the yeas and nays being dispensed with by consent.

The bill was ordered to be transmitted to the House of Representatives without engrossment.

S. B. No. 746: A bill to be entitled an act to amend the charter of the Western Railroad Company.

The bill was read and passed the second and third times, the yeas and nays being dispensed with by consent.

S. B. No. 747: A bill to be entitled an act to amend an act passed at the present session of the General Assembly to change the time of holding the courts in the third judicial district.

The bill was read and passed the second and third times, the yeas and nays being dispensed with by consent.

S. B. No. 205: A bill to be entitled an act to require fire insurance companies, not incorparated under the laws of this State, to make a deposit of securities.

The question recurrring on the motion to reconsider the vote by which the bill was indefinitely postponed, it prevailed, and the bill was placed on the calendar.

A message was received from the House of Representatives informing the Senate that that body had appointed Messrs. Walker, of Tyrrell, Woodhouse and Elliott the House branch of the Committee of Conference to consider the Senate amendments to S. B. No. 450, H. B. No. 445.

At 1 P. M. the Chair announced that the hour had arrived for the special order, to-wit:

S. B. No. 191: A bill to be entitled an act for the support

of the Insane Asylum of North Carolina. The bill was read the second time.

Mr. Mills moved to amend by adding the following:

"*Provided*, That five thousand dollars, and no more, out of this appropriation, may be used for improvements and repairs."

The amendment prevailed.

Mr. Tucker offered an amendment, which was rejected.

The bill then passed the second time.

On motion, the rules were suspended, and the bill read and passed the third time. Yeas 22, nays 10,

*Affirmative*—Messrs. Albright, Busbee, Clement, C. M. Cooke, French, Graham, Jernigan, Kerr, Latham, Marler, McCauley, Mills, Parish, Paschall, Pegram, Shaw, Standford, Sugg, Taylor, Waddell, Walker and Williamson—22.

*Negative*—Messrs. Boddie, Hargrave, Jenkins, LeGrand, Love, McElroy, McMillan, Morehead, Selby and Stickney—10.

The following named bills, amendments and resolutions, reported as correctly engrossed by the Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence:

S. B. No. 280: A bill to be entitled an act to authorize the city of Wilmington to issue bonds.

S. B. No. 243: A bill to be entitled an act to amend the charter of the town of Kinston, in the county of Lenoir, and for other purposes.

S. B. No. 375: A bill to be entitled an act to prohibit the sale of intoxicating liquors within two miles of Cedar Grove and Eno churches, in Orange county.

S. B. No. 667: A bill to be entitled an act to protect fishing interest in Neuse river and Contentnea creek.

S. B. No. 435: A bill to be entitled an act to declare Neuse river a lawful fence from the Falls of Neuse to Ezekiel's rock, in Wake county.

S. B. No. 370: A bill to be entitled an act to prohibit the sale of spirituous liquors within three miles of Pelham church, in Caswell county.

S. B. No. 339: A bill to be entitled an act to incorporate the Albemarle Lodge, No. 74, I. O. O. F.

S. B. No. 32: A bill to be entitled an act to punish accessories before the fact in the crimes of murder, arson, burglary and rape.

The following bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

Resolution in relation to the *Journal of Education*.

An act to incorporate Newbern Golden Link Lodge, No. 1,632, Grand United Order of Odd Fellows.

An act in relation to writs of *certiorari*, *recordari* and *supersedeas*.

Resolution in relation to heating the Capitol.

An act to amend Revised Code, chapter 67, and the public laws of 1862–'63, chapter 41, section 1, as brought forward in Battle's Revisal, chapter 38, sections 1 and 2, entitled "Dogs."

An act to give compensation to sheriffs for bringing convicts to the State prison.

An act for the relief of the sureties to the bond executed by T. F. Lee, late sheriff of Wake county, to secure the collection of the county taxes of said county for the year 1873.

An act to prevent the felling of timber in South Fork river and in Rock and Laurel creeks, in Burke county.

The Senate adjourned until 10 A. M., Monday.

## SIXTY-SEVENTH DAY.

SENATE CHAMBER, March 1st, 1875.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Atkinson.

The Journal of Saturday was read.

Leaves of absence were granted as follows:

To Mr. Waddell, for to day;

To Mr. Armfield, until next Monday;

To Mr. Winston, Assistant Clerk of the Senate, for two days.

The Chair announced the following Senators as additional members of the Committee on Enrolled Bills, to-wit: Messrs. Clement, Jernigan, Shaw and Parish.

Reports from Standing Committees were submitted as follows:

From Committee on Corporations:

By Mr. Busbee, S. B. No. 660: A bill to be entitled an act to incorporate the Snow Hill Branch Railroad Company, with a request that the bill be referred to the Committee on Internal Improvements. The bill was so referred.

H. B. No. 300, S. B. No. 740: A bill to be entitled an act to incorporate Columbus Lodge, No. 27, Independent Order of Odd Fellows, with a recommendation that it do pass.

H. B. No. 297, S. B. No. 736: A bill to be entitled an act to amend an act entitled an act to incorporate the town of Whitaker's, in the counties of Nash and Edgecombe, with a recommendation that it do pass.

H. B. No. 602, S. B. No. 725: A bill to be entitled an act to incorporate Graham High School, in the county of Alamance, with a recommendation that it do pass.

H. B. No. 284, S. B. No. 741: A bill to be entitled an act to incorporate the town of Rose Hill, in the county of Duplin, with a recommendation that it do pass.

From Committee on Judiciary:

By Mr. Latham, H. B. No. 165, S. B. No. 652: A bill to be entitled an act to secure the sufficiency of official bonds, with accompanying amendments.

By Mr. Jernigan, S. B. No. 483: A bill to be entitled an act for the establishment of a free ferry across Pamlico river opposite the town of Washington, with a recommendation that it do not pass.

Mr. Graham, from the Joint Committee to Superintend the Election of Trustees of the University, reported that the following named gentlemen, having received the highest number of votes, were duly elected:

B. F. Moore, to fill vacancy occasioned by the death of C. B. Saunders; and Messrs. W. H. Battle, Paul C. Cameron, James A. Graham, K. P. Battle, B. F. Grady, John E. Dugger, E. Hayne Davis, C. W. Broadfoot, Matthias E. Manly, Z. B. Vance, S. H. Walkup, P. H. Winston, jr., C. H. Wiley, Seaton Gales, W. N. Mebane and Louis C. Latham, to fill the vacancies to occur January 1, 1876.

The following named bills and resolutions were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows:

By Mr. Williamson: A bill to be entitled an act to construe the true meaning of the 6th section of an act ratified the 22d day of February, 1875, entitled "An act to regulate the rate of interest and to prevent usury. Placed on the calendar.

By Mr. Cooke, of Franklin: A bill to be entitled an act to amend section 9, chapter 65, of Battle's Revisal. To the Committee on Judiciary.

By Mr. Marler: A bill to be entitled an act to incorporate Yadkin River Bridge and Turnpike Company. Placed on calendar.

By Mr. Jernigan: A bill to be entitled an act to authorize the commissioners of Hertford county to issue bonds for the purpose of funding and paying the county debt. Placed on the calendar.

By Mr. C. M. Cooke: A bill to be entitled an act requiring securities on official bonds to reside in the county in which the bonds are given. To the Committee on the Judiciary.

By Mr. Busbee: Resolution of instruction to the Finance and Internal Improvement Committees. Adopted.

By message from the House of Representatives, H. B. No. 545: A bill to be entitled an act to amend the charter of the town of LaGrange, in the county of Lenoir. To the Committee on Corporations.

H. B. No. 709: A bill to be entitled an act in relation to fishing in Albemarle sound and certain rivers. Placed on the calendar.

Bills on third reading were acted on as follows:

S. B. No. 792: A bill to be entitled an act to amend section 1, chapter 52, and section 1, chapter 59, of the laws of 1873–'74. The bill was read and passed the third time, the yeas and nays being dispensed with by consent.

H. B. No. 580, S. B. No. 706: A bill to be entitled an act to authorize the county commissioners of Brunswick county to submit to the people of that county the question of changing the county seat. The bill was read and passed the third time. Yeas 28, nays none.

*Affirmative*—Messrs. Albright, Anderson, Bryan, Clement, C. M. Cooke, French, Hargrave, Jernigan, Latham, LeGrand, Linney, Love, Marler, McMillan, Mills, Parish, Paschall, Pegram, Selby, Shaw, Smith, Standford, Stickney, Sugg, Taylor, Walker, Waring and Worthy—28.

*Negative*—None.

Bills on second reading were acted on as follows:

S. B. No. 314: A bill to be entitled an act to repeal an act incorporating the Beneficial Association. The bill was read and passed the second time.

The rules were suspended, and the bill read and passed the third time, the yeas and nays being dispensed with by consent.

Bills were acted on, under a suspension of the rules, as follows:

H. B. No. 709, S. B. No. 760: A bill to be entitled an act in relation to fishing in Albemarle sound and certain rivers.

The bill was read and passed the second and third times, the yeas and nays being dispensed with by consent.

H. B. No. 300, S. B. No. 740: A bill to be entitled an act to incorporate Columbus Lodge, No. 27, Independent Order of Odd Fellows.

The bill was read and passed the second and third times, the yeas and nays being dispensed with by consent.

H. B. No. 331, S. B. No. 416: A bill to be entitled an act to divest the jurisdiction of the Superior Courts over misdemeanors in failing to list polls and property, and for other purposes.

On motion, ordered to be printed, and made the special order for Wednesday at 12 M.

S. B. No. 764: A bill to be entitled an act to construe the true meaning of the 6th section of an act ratified the 22d day of February, 1875, entitled an act to regulate the rate of interest and to prevent usury. The bill was read the second time.

Mr. Busbee moved to amend by striking out all after the enacting clause, and insert:

"The act ratified February 22d, 1875, entitled 'an act to regulate the rate of interest and prevent usury,' shall not go into effect until January 1st, 1877."

Mr. C. M. Cooke moved to amend the amendment by striking out "January 1st, 1877," and inserting "1st day of November, 1875."

Pending its consideration, Mr. French moved to postpone the consideration of the bill, and make it the special order for to-morrow at 12 M.

The yeas and nays being required, the motion did not prevail. Yeas 14, nays 22.

*Affirmative*—Messrs. Anderson, Boddie, Bryan, Busbee, French, Graham, Jenkins, Latham, Love, McCauley, Mills, Pegram, Smith and Stickney—14.

*Negative*—Messrs. Albright, Clement, C. M. Cooke, Har-

grave, Jernigan, LeGrand, Linney, Marler, McElroy, McMillan, Parish, Paschall, Peebles, Selby, Shaw, Sugg, Taylor, Tucker, Walker, Waring, Williamson and Worthy—22.

The question recurring upon Mr. Busbee's amendment, and the yeas and nays being required, it did not prevail. Yeas 8, nays 27:

*Affirmative*—Messrs. Boddie, Bryan, Busbee, French, Mills, Pegram, Stickney and Waring—8.

*Negative*—Messrs. Albright, Anderson, Clement, C. M. Cooke, Graham, Hargrave, Jernigan, Latham, LeGrand, Linney, Love, Marler, McElroy, McMillan, Parish, Paschall, Peebles, Shelby, Shaw, Smith, Standford, Sugg, Taylor, Tucker, Walker, Williamson and Worthy—27.

The question recurred on Mr. C. M. Cooke's amendment.

Pending its consideration, Mr. Hargrave called the previous question.

The main question being ordered, and the yeas and nays being required, the amendment did not prevail. Yeas 18, nays 18.

*Affirmative*—Messrs. Albright, Boddie, Busbee, C. M. Cooke, French, Graham, Jenkins, Jernigan, Latham, LeGrand, Love, McCauley, Mills, Pegram, Standford, Stickney, Sugg and Waring—18.

*Negative*—Messrs. Anderson, Clement, Hargrave, Linney, Marler, McElroy, McMillan, Parish, Paschall, Peebles, Selby, Shaw, Smith, Taylor, Tucker, Walker, Williamson and Worthy—18.

The Chair, Mr. President, casting his vote in the negative, there being a tie.

The question recurred on the passage of the bill on its second reading.

The yeas and nays being required, the bill passed the second time. Yeas 25, nays 10.

*Affirmative*—Messrs. Albright, Clement, C. M. Cooke, Hargrave, Jernigan, Latham, LeGrand, Linney, Love, Marler, McElroy, McMillan, Parish, Paschall, Peebles, Selby, Shaw,

Smith, Standford, Sugg, Taylor, Tucker, Walker, Williamson and Worthy—25.

*Negative*—Messrs. Anderson, Boddie, Busbee, French, Graham, Jenkins, Mills, Pegram, Stickney and Waring—10.

The question then recurred on the passage of the bill on its third reading.

Mr. C. M. Cooke moved to amend by striking out all after the enacting clause, and insert, "The act ratified February 22, 1875, entitled an act to regulate the rate of interest and prevent usury, shall not go into effect until October 15, 1875."

The yeas and nays being required, the amendment prevailed. Yeas 21, nays 17.

*Affirmative*—Messrs. Albright, Boddie, Bryan, Busbee, C. M. Cooke, French, Graham, Jenkins, Jernigan, Latham, LeGrand, Love, McCauley, Mills, Pegram, Standford, Stickney, Sugg, Waddell, Walker and Waring—21.

*Negative*—Messrs. Anderson, Clement, Hargrave, Linney, Marler, McElroy, McMillan, Parish, Paschall, Peebles, Selby, Shaw, Smith, Taylor, Tucker, Williamson and Worthy—17.

The question then recurring on the passage of the bill on its third reading, it passed. Yeas 24, nays 16.

*Affirmative*—Messrs. Albright, Boddie, Bryan, Busbee, Cantwell, Cashwell, C. M. Cooke, French, Graham, Jenkins, Jernigan, Latham, LeGrand, Love, McCauley, Mills, Pegram, Shaw, Standford, Stickney, Sugg, Waddell, Walker and Waring—24.

*Negative*—Messrs. Anderson, Clement, Hargrave, Linney, Marler, McElroy, McMillan, Parish, Paschall, Peebles, Selby, Smith, Taylor, Tucker, Williamson and Worthy—16.

The following named bills, amendments and resolutions, reported as correctly engrossed by the Committee on Engrossed bills, were transmitted to the House of Representatives for concurrence:

S. B. No. 746: A bill to be entitled an act to amend the charter of the Western Railroad Company.

S. B. No. 603: A bill to be entitled an act to prohibit the

sale of spirituous liquors within two miles of Lenoir Institute, in the county of Lenoir.

S. B. No. 305: A bill to be entitled an act to amend chapter 17, Battle's Revisal, title 11, Code of Civil Procedure.

S. B. No. 676: A bill to be entitled an act to re-assess the real property of Pitt county.

S. B. No. 340: A bill to be entitled an act to cure defects in certain judicial proceedings arising from mistake of jurisdiction and other causes.

S. B. No. 720: A bill to be entitled an act concerning application for prohibition of the sale of spirituous liquors or repeal of prohibitory laws in this State.

S. B. No. 614: A bill to be entitled an act to amend section 11, chapter 100, of Battle's Revisal.

S. B. No. 663: A bill to be entitled an act to amend an act entitled an act in favor of certain officers and tax-payers of Nash county, it being chapter 70, public laws of 1873–'74.

S. B. No. 533: A bill to be entitled an act to lay out and construct a public road from Edwin D. Grier's store to Jefferson, in Ashe county.

S. B. No. 619: A bill to be entitled an act for the relief of disabled soldiers.

S. B. No. 383: A bill to be entitled an act prescribing the mode by which corporations may convey real estate.

S. B. No. 424: A bill to be entitled an act to amend section 54, of chapter 61, of Battle's Revisal.

S. B. No. 164: A bill to be entitled an act to punish persons for obtaining money, goods, property, or anything of value, by false promises.

S. B. No. 678: A bill to be entitled an act to incorporate the Wilmington and Coast Turnpike Company.

S. B. No. 541: A bill to be entitled an act to amend the charter of the city of Wilmington.

The following bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

Resolution in relation to the Western N. C. R. Railroad.

An act to amend chapter 39, Battle's Revisal, entitled, "Draining Wet Lands."

An act to prohibit the sale of spirituous liquors within one mile of Mott's Grove Camp Ground, and of Rehoboth church, in Catawba county.

An act to amend Battle's Revisal, chapter 17, section 198, *b*. in relation to attachments.

An act to define the jurisdiction of the mayor of Charlotte.

An act to amend an act entitled an act to amend the charter of the Cheoah Turnpike Company.

An act to amend chapter 105, section 39, Battle's Revisal, as brought forward from Revised Code, chapter 102, section 37, entitled "Salaries and Fees."

An act to amend chapter 137, of the laws of 1873–'74.

An act to amend chapter 146, laws of 1872–'73.

An act to relieve the counties of the State from the payment of costs and expenses of criminal prosecutions.

An act to define the rights of counsel.

An act to incorporate the Albemarle and Roanoke Railroad Company.

The Senate adjourned until 7:30 P. M. to-day.

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## EVENING SESSION.

SENATE CHAMBER, March 1st, 1875.

The Senate met pursuant to adjournment, Mr. Latham in the chair.

Reports from Standing Committees were submitted as follows:

From Committee on Internal Improvements:

By Mr. Waring, S. B. No. 595: A bill to be entitled an act to charter the Monroe and Lancaster Narrow Gauge Railroad, with a recommendation that it do pass.

The following named bills were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows:

By Mr. Cooke, of Franklin: A bill to be entitled an act to authorize the commissioners of Franklin county to levy a special tax for the purpose of paying the outstanding debts of said county. Placed on the calendar.

By message from the House of Representatives, H. B. No. 514: A bill to be entitled an act to amend chapter 184, of the laws of 1850-'51, entitled an act to encourage sheep raising in the counties of Watauga and Ashe. Placed on the calendar.

Bills and resolutions on second reading, were acted upon as follows:

S. B. No. 338: A bill to be entitled an act to amend chapter 104, section 15, of Battle's Revisal.

The bill was read the second time, and, on motion, was laid upon the table.

S. B. No. 512: A bill to be entitled an act to prohibit tenants or croppers selling any quantities less than one bale, except upon the written consent of the landlord or land owner.

The bill was read the second time, and, on motion, indefinitely postponed.

S. B. No. 532: A bill to be entitled an act to prevent trespasses on real estate in certain cases. The bill was read the second time.

The amendment proposed by the Committee on Judiciary prevailed, and bill, as amended, passed the second time.

Mr. Mills moved that the bill be made the special order for to-morrow at 12 M. The motion prevailed.

S. B. No. 540: A bill to be entitled an act relating to the jurisdiction of justices of the peace.

The bill was read the second time, and, on motion, indefinitely postponed.

H. R. No. 141, S. R. No. 583: Resolution in favor of Dismal Swamp Canal.

The resolution was read, and, on motion, was laid upon the table.

S. B. No. 602: A bill to be entitled an act to enforce the performance of contracts.

The bill was read the second time, and, on motion, laid upon the table.

S. B. No. 613: A bill to be entitled an act to amend section 11, chapter 53, of Battle's Revisal, entitled "guardian and ward." The bill was read and passed the second time.

On motion, the rules were suspended, and the bill was read and passed the third time, the yeas and nays being dispensed with by consent.

S. B. No. 652, H. B. No. 165: A bill to be entitled an act to secure the sufficiency of official bonds. The bill was read and passed the second time.

S. B. No. 725, H. B. No. 602: A bill to be entitled an act to incorporate Graham High School, in the county of Alamance. The bill was read and passed the second time.

On motion, the rules were suspended, and the bill was read and passed the third time, the yeas and nays being dispensed with by consent.

S. B. No. 736, H. B No. 297: A bill to be entitled an act to amend an act entitled "an act to incorporate the town of Whitaker's Mills, in the counties of Nash and Edgecombe. The bill was read and passed the second time.

On motion, the rules were suspended, and the bill was read and passed the third time, the yeas and nays being dispensed with by consent.

S. B. No. 617, H. B. No. 455: A bill to be entitled an act to incorporate the Shaw University. The bill was read.

The question recurring upon the motion of Mr. Busbee to reconsider, the motion prevailed.

Thereupon Mr. C. M. Cooke moved that the bill be re-committed to the Committee on Corporations. The motion to re-commit prevailed.

Bills were acted on, under a suspension of the rules, as follows:

H. B. No. 514: A bill to be entitled an act to amend chapter 184, of the laws of 1850–'51, entitled an act to encourage sheep raising in the counties of Watauga and Ashe.

The bill was read and passed the second and third times, the yeas and nays being dispensed with by consent.

H. B. No. 674, S. B. No. 737: A bill to be entitled an act for the protection of birds in the counties of Davidson, Randolph, Rowan, Anson, Warren, Guilford and Edgecombe. The bill was read the second time.

Mr. Parish moved to amend by inserting Orange county. The amendment prevailed.

Mr. Waring moved to amend by inserting the counties of Mecklenburg and Northampton. The amendment prevailed.

Mr. Paschall moved to strike out the county of Warren. The motion to strike out prevailed.

Mr. C. M. Cooke moved to amend by inserting after the word "offending" in the 10th line of the 1st section, the words "shall be guilty of a misdemeanor." The amendment prevailed.

Mr. Cantwell moved to strike out Edgecombe county. The motion to strike out did not prevail.

Mr. Cantwell moved to postpone the bill until Wednesday at 12 M.

The motion did not prevail, and the bill passed the second time.

Mr. Tucker moved that the Senate do now adjourn.

The yeas and nays being required, the Senate refused to adjourn. Yeas 10, nays 20.

*Affirmative*—Messrs. Boddie, Bryan, Cantwell, Hargrave, McCauley, McElroy, Paschall, Taylor, Tucker and Young—10.

*Negative*—Messrs. Albright, Busbee, Clement, C. M. Cooke, French, Graham, Jenkins, Latham, LeGrand, Love, Marler, Parish, Pegram, Selby, Standford, Sugg, Waddell, Waring, Williamson and Worthy—20.

A bill on its third reading was acted on as follows:

H. B. No. 165, S. B. No. 652: A bill to be entitled an act to secure the sufficiency of official bonds.

The bill was read and passed the third time, the yeas and nays being dispensed with by consent.

On motion, the Senate adjourned until 10 A. M. to-morrow.

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## SIXTY-EIGHTH DAY.

SENATE CHAMBER, March 2nd, 1875.

The Senate met pursuant to adjournment, Mr. Latham in the chair.

Prayer by the Rev. Dr. Marshall.

The Journal of yesterday was read.

Leave of absence was granted Mr. Mills from and after to-day until Saturday.

Reports from Standing Committees were submitted, as follows:

From Committee on Propositions and Grievances:

By Mr. Latham, H. B. No. 548, S. B. No. 752: A bill to be entitled an act authorizing the commtssioners of Pitt county to levy a special tax, with a recommendation that the bill do pass.

S. B. No. 733: A bill to be entitled an act to authorize John J. Hasty, former sheriff of Union county, to collect arrears of taxes, with the recommendation that the bill do not pass.

H. B. No. 326, S. B. No. 588: A bill to be entitled an act to amend chapter 137, laws of 1873-'74, with a recommendation that it do pass.

H. B. No. 499, S. B. No. 755: A bill to be entitled an act

to prohibit the sale of intoxicating drinks within one mile of the court house of Dallas, Gaston county, with a recommendation that it do pass.

H. B. No. 511, S. B. No. 751: A bill to be entitled an act to authorize the board of commissioners of Haywood county to levy a special tax, with a recommendation that it do pass.

H. B. No. 463, S. B. No 748: A bill to be entitled an act to authorize the commissioners of Rockingham county to levy a special tax, with a recommendation that it do pass.

H. B. No. 517, S. B. No. 657: A bill to be entitled an act in regard to fishing in New Begun creek, Pasquotank county, with a recommendation that it do pass.

H. B. No. 324, S. B. No. 742: A bill to be entitled an act to allow the commissioners of Ashe county to levy a special tax, with a recommendation that it do pass.

From the Committee on Internal Improvements:

By Mr. Waring, H. B. No. 374, S. B. No. 696: A bill to be entitled an act to authorize the board of county commissioners of Stanly county to subscribe to the capital stock of the Yadkin Railroad Company, with a recommendation that it do pass.

H. B. No. 566, S. B. No. 695: A bill to be entitled an act for the better protection of the Caldwell and Watauga Turnpike Company, with a recommendation that it do pass.

S. B. No. 660: A bill to be entitled an act to incorporate the Snow Hill Branch Railroad Company, with a recommendation that it do pass with the accompanying amendments.

From the Committee on Insurance:

By Mr. French, H. B. No. 630, S. B. No. 726: A bill to be entitled an act to secure the insurance of public buildings in Lincoln county, with a recommendation that it do pass.

From the Committee on Agriculture, Mechanics and Mining:

By Mr. Selby, S. B. No. 629: A bill to be entitled an act to amend section 17, of chapter 2, Battle's Revisal, with a recommendation that it do pass.

The following named bills and resolutions were introduced, read and passed first time, and were referred or otherwise disposed of, as follows:

By Mr. Cantwell: Resolution of instruction to Public Treasurer concerning deposits. Referred to the Committee on Finance, and ordered to be printed.

A bill to be entitled an act to protect and encourage domestic manufactures and mining. To the Committee on Judiciary.

A bill to be entitled an act to charter Fifth Ward Bucket Company of Wilmington. Placed on the calendar.

By Mr. Standford: A bill to be entitled an act concerning the gauging of casks and barrels of spirits of turpentine. To the Committee on Propositions and Grievances.

By Mr. Shaw: A bill to be entitled an act to amend section 12, chapter 63, of Battle's Revisal. To the Committee on Judiciary.

By Mr. Peebles: A bill to be entitled an act to authorize the commissioners of Northampton county to levy a special tax. To the Committee on Propositions and Grievances.

By Mr. Hargrave: Resolution concerning leaves of absence. Adopted.

By message from the House of Representatives: Engrossed House amendments to S. B. No. 481, H. B. No. 591. Concurred in.

H. B. No. 465: A bill to be entitled an act to authorize the county commissioners of Jackson to have a toll gate erected on a road known as the Tuckaseege and Keowee turnpike road. To the Committee on Propositions and Grievances.

H. B. No. 679: A bill to be entitled an act to regulate the taking of fish in the waters of New river, in the county of Onslow. To the Committee on Propositions and Grievances.

H. B. No. 481: A bill to be entitled an act for the benefit of the farmers in the Murphy Swamp and Cawn's Neck, Rockfish township, in Cumberland county. To the Committee on Agriculture, Mechanics and Mining.

H. B. No. 711: A bill to be entitled an act to amend section

13, chapter 63, of Battle's Revisal. To the Committee on Judiciary.

H. B. No. 244: A bill to be entitled an act to prevent the felling of timber into the channel of South creek, in Beaufort county. To the Committee on Propositions and Grievances.

H. B. No. 355: A bill to be entitled an act to lay out and construct a public road from the Virginia line to the top of the Blue Ridge, in Alleghany county. Placed on the calendar.

H. R. No. 148: Resolution in favor of James H. Enniss. To the Committee on Claims.

H. B. No. 415: A bill to be entitled an act to incorporate the Western North Carolina Land and Colonization Company. To the Committee on Corporations.

H. B. No. 318: A bill to be entitled an act to punish the burning of grain and other products secured in stacks or otherwise out of doors. To the Committee on Judiciary.

H. B. No. 369: A bill to be entitled an act to authorize the Finance Committee of the several counties to administer oaths in certain cases. To the Committee on Finance.

H. B. No. 365: A bill to be entitled an act for the relief of the sheriffs of Iredell, Alexander and Surry counties. To the Committee on Propositions and Grievances.

H. B. No. 250: A bill to be entitled an act to amend an act to incorporate the Fayetteville Building and Loan Association, ratified January 5, 1872. To the Committee on Banks and Currency.

H. B. No. 358: A bill to be entitled an act to lay out and construct a public road from Peach Bottom Coppermine, in Alleghany county, to the Virginia line. Placed on the calendar.

H. B. No. 356: A bill to be entitled an act to change the line of the counties of Alleghany and Surry. To the Committee on Propositions and Grievances.

H. B. No. 708: A bill to be entitled an act to attach the county of Watanga to the 10th Judicial District, and to change the time of holding the Superior Courts for the counties of

Watauga, Alleghany, Wilkes and Iredell. Placed on the calendar.

H. R. No. 176: Resolution of instruction to the Board of Internal Improvements, on frauds and corruption. To the Committee on Internal Improvements.

H. B. No. 610: A bill to be entitled an act concerning banking institutions in this State. To the Committee on Banks and Currency.

Bills on second reading were acted upon as follows:

S. B. No. 696, H. B. No. 374: A bill to be entitled an act to authorize the board of county commissioners of Stanly county to subscribe to the capital stock of the Yadkin Railroad Company. The bill was read the second time.

The yeas and nays being required, the bill passed the second time. Yeas 35, nays none.

*Affirmative*—Messrs. Albright, Anderson, Boddie, Cantwell, Cashwell, Clement, Graham, Hargrave, Jenkins, Jernigan, Latham, LeGrand, Linney, Love, Marler, McElroy, McMillan, Mills, Parish, Paschall, Pegram, Selby, Shaw, Smith, Standford, Stickney, Sugg, Taylor, Tucker, Waddell, Walker, Waring, Williamson, Worthy and Young—35.

*Negative*—None.

Bills and resolutions were acted upon, under a suspension of the rules, as follows:

S. B. No. 766: A bill to be entitled an act to authorize the commissioners of Franklin county to levy a special tax for the purpose of paying the outstanding debt of said county.

The bill was read the second time. The yeas and nays being required, the bill passed the second time. Yeas 31, nays none.

*Affirmative*—Messrs. Albright, Anderson, Boddie, Cantwell, Cashwell, Clement, French, Hargrave, Jernigan, Latham, LeGrand, Linney, Love, Marler, McCauley, McElroy, McMillan, Parish, Paschall, Smith, Standford, Stickney, Sugg, Taylor, Tucker, Waddell, Walker, Waring, Williamson, Worthy and Young—31.

*Negative*—None.

S. B. No. 761: A bill to be entitled an act to authorize the commissioners of Hertford county to issue bonds for the purpose of funding and paying the county debt. The bill was read the second time.

The yeas and nays being required, the bill passed the second time. Yeas 37, nays none.

*Affirmative*—Messrs. Albright, Anderson, Boddie, Cantwell, Cashwell, Clement, French, Graham, Hargrave, Jenkins, Jernigan, Latham, LeGrand, Linney, Love, Marler, McCauley, McElroy, McMillan, Mills, Parish, Paschall, Peebles, Pegram, Shaw, Smith, Standford, Stickney, Sugg, Taylor, Tucker, Waddell, Walker, Waring, Williamson, Worthy and Young —37.

*Negative*—None.

S. R. No. 768: Resolution of instruction to Public Treasurer concerning deposits. The resolution was read.

Mr. Hargrave offered an amendment, which was adopted.

Mr. LeGrand offered an amendment.

Pending the consideration of the amendment proposed by Mr. LeGrand, Mr. French moved that the resolution be printed and referred to the Committee on Finance. The motion to print and refer to the Committee on Finance prevailed.

S. B. No. 726, H. B. No. 630: A bill to be entitled an act to secure the insurance of public buildings in Lincoln county.

The bill was read and passed the second and third times, the yeas and nays being dispensed with by consent.

S. B. No. 670: A bill to be entitled an act concerning salaries and fees. The bill was read the second time.

Mr. Hargrave moved that the bill be referred to the Committee on Propositions and Grievances. The motion prevailed.

S. B. No. 530: A bill to be entitled an act for the protection of farmers. The bill was read the second time.

Mr. Busbee offered an amendment.

Pending the consideration of this amendment, the Chair

announced that the hour for the special order had arrived, to-wit:

S. B. No. 92: A bill to be entitled an act for the improvement and reclamation of swamp lands of New Hanover and certain other counties. The bill was read the second time.

The question recurring upon the amendments proposed by the Committee on Judiciary, they were adopted.

Mr. LeGrand moved to amend by striking out, in section 2, line 22, the words "alternate sections or divisions," and insert "one-third" in lieu thereof.

The previous question being called for, the main question was ordered to be put.

The question recurring upon the amendment proposed by Mr. LeGrand, the yeas and nays being required, the amendment did not prevail. Yeas 16, nays 24.

*Affirmative*– Messrs. Albright, Anderson, N. S. Cook, Holton, Kerr, Latham, LeGrand, Linney, Love, Marler, McElroy, Parish, Taylor, Waring, Williamson and Young—16.

*Negative*—Messrs. Boddie, Bryan, Busbee, Cantwell, Cashwell, Clement, French, Graham, Hargrave, Irwin, Jenkins, Jernigan, McMillan, Peebles, Pegram, Selby, Shaw, Smith, Standford, Stickney, Sugg, Tucker, Waddell and Worthy—24.

The question then recurred upon the passage of the bill on its second reading, and the yeas and nays being required, the bill passed the second time. Yeas 24, nays 18.

*Affirmative*—Messrs. Boddie, Bryan, Busbee, Cantwell, Cashwell, French, Graham, Hargrave, Irwin, Jenkins, Jernigan, Paschall, Peebles, Pegram, Selby, Shaw, Smith, Standford, Stickney, Sugg, Tucker, Waddell, Waring and Worthy —24.

*Negative*—Messrs. Albright, Anderson, Clement, N. S. Cook, Holton, Kerr, Latham, LeGrand, Linney, Love, Marler, McElroy, McMillan, Parish, Taylor, Walker, Williamson and Young—18.

On motion by Mr. French, the rules were suspended, and

the bill was put upon its final passage. The bill was read the third time.

The previous question being called for, the main question was ordered to be put.

Mr. LeGrand moved that the Senate do now adjourn.

Mr. Busbee objected to the motion.

The Chair (Mr. Latham) ruled that the motion was in order, thereupon Mr. Busbee appealed from the decision of the Chair to that of the Senate.

The Chair then put the question, "Shall the decision of the Chair stand for the decision of the Senate?"

A division being called for, the Senate did not sustain the Chair.

The yeas and nays being required, the bill then passed the third time. Yeas 23, nays 18.

*Affirmative*—Messrs. Bryan, Busbee, Cantwell, Cashwell, French, Graham, Hargrave, Irwin, Jenkins, Jernigan, Paschall, Peebles, Pegram, Selby, Shaw, Smith, Standford, Stickney, Sugg, Tucker, Waddell, Waring and Worthy—23.

*Negative*—Messrs. Albright, Anderson, Boddie, Clement, N. S. Cook, Holton, Kerr, Latham, Linney, Love, Marler, McElroy, McMillan, Parish, Taylor, Walker, Williamson and Young—18.

Mr. French moved to reconsider the vote just had, and to lay that motion on the table.

The yeas and nays being required, the motion prevailed. Yeas 21, nays 18.

*Affirmative*—Messrs. Bryan. Busbee, Cantwell, Cashwell, French, Graham, Hargrave, Jenkins, Jernigan, Paschall, Peebles, Pegram, Selby, Smith, Standford, Stickney, Sugg, Tucker, Waddell, Waring and Worthy—21.

*Negative*—Messrs. Albright, Anderson, Boddie, Clement, N. S. Cook, Holton, Kerr, Latham, Linney, Love, Marler, McElroy, McMillan, Parish, Taylor, Walker, Williamson and Young—18.

The following named bills, amendments and resolutions,

reported as correctly engrossed by the Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence:

S. B. No. 693: A bill to be entitled an act concerning the sale of ardent spirits on the island of Ocracoke.

S. B. No. 730: A bill to be entitled an act to incorporate the North State Transportation Company.

S. B. No. 731: A bill to be entitled an act supplemental to an act to incorporate the Elizabeth City and Norfolk Railroad Company.

S. B. No. 486: A bill to be entitled an act concerning Battle's Revisal.

S. B. No. 341: A bill to be entitled an act to unite legal estates with uses.

S. B. No. 747: A bill to be entitled an act to amend an act passed at the present session of the General Assembly to change the time of holding the courts in the third judicial district.

S. B. No. 722: A bill to be entitled an act to amend an act to prohibit the sale of spirituous liquors in certain localities, ratified 16th February, 1874.

S. B. No. 659: A bill to be entitled an act to protect terrapins.

S. B. No. 729: A bill to be entitled an act to amend an act entitled "an act to prevent live stock from running at large in Cabarrus and certain other counties," ratified February 12th, 1875.

S. B. No. 191: A bill to be entitled an act for the support of the Insane Asylum of North Carolina.

S. B. No. 451: A bill to be entitled an act concerning evidence in cases of fraud where the State is concerned.

S. B. No. 705: A bill to be entitled an act concerning the sale of liquors within three miles of Hopkins' Chapel, in Wake county.

S. B. No. 156: A bill to be entitled an act to amend chapter

105, section 28, sub-division 37, Battle's Revisal, relating to fees of Superior Court Clerks.

S. B. No. 689: A bill to be entitled an act to amend an act incorporating the town of Gatesville.

Senate amendments to H. B. No. 334, S. B. No. 694: A bill to be entitled an act to change the line of Pamlico county.

Senate amendments to H. B. No. 332, S. B. No. 653: A bill to be entitled an act to amend chapter 71, section 6, of the laws of 1873–'74.

The following bill, reported as correctly enrolled by Committee on Enrolled Bills, was duly ratified and transmitted to the office of the Secretary of State:

An act in relation to fishing in Albemarle sound and certain rivers.

The Senate then adjourned till 10 A. M. to-morrow.

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## SIXTY-NINTH DAY.

SENATE CHAMBER, March 3rd, 1875.

The Senate met pursuant to adjournment, Mr. Latham in the chair.

Prayer by Rev. Dr. Pritchard.

The Journal of yesterday was read.

Leave of absence was granted to Mr. LeGrand for to-day.

Petitions were presented and disposed of, as follows:

By Mr. N. S. Cook: Petition concerning the usury law. Ordered to be transmitted to the House of Representatives.

By Mr. Cantwell: Petition concerning the publication of the Journal of Education. Ordered to be transmitted to the House of Representatives.

By Mr. Waring: Petition concerning the usury law. Ordered to be transmitted to the House of Representatives.

Reports from Standing Committees were submitted as follows:

From Committee on Corporations:

By Mr. Busbee, S. B. No. 459, H. B. No. 243: A bill to be entitled an act to amend the charter of the city of Greensboro, with a recommendation that it do pass.

H. B. No. 288, S. B. No. 743: A bill to be entitled an act to extend and define the corporate limits of the town of Morganton, with a recommendation that it do pass.

S. B. No. 578: A bill to be entitled an act to incorporate the Eno Grange, No. 134, Patrons of Husbandry, with a recommendation that it do pass.

From the Committee on Internal Improvements:

By Mr. Waring, S. B. No. 686: A bill to be entitled an act to amend an act entitled an act to amend the charter of the North Carolina Railroad Company, and for other purposes therein mentioned, ratified the 10th day of February, 1874, with a recommendation that it do pass.

H. B. No. 439, S. B. No. 756: A bill to be entitled an act to incorporate the Fayetteville and Goldsboro Railroad Company, with accompanying amendment.

Mr. Standford, from the Joint Select Committee on the amendment to H. B. No. 445, S. B. No. 450, and S. B. No. 528, H. B. No. 456, reported back the bills, with a recommendation that they do not pass.

Mr. Linney, from the Joint Select Committee on Western Insane Asylum, submitted a report which was read.

Mr. Kerr moved that the report be printed, and that its further consideration be postponed and made the special order for to-morrow at 12 M.

Mr. Love moved to amend that motion by striking out "to-morrow 12 M." and inserting "Friday 7:30 P. M."

The yeas and nays being required, the amendment prevailed. Yeas 22, nays 15.

*Affirmative*—Messrs. Anderson, Bryan, Busbee, Cantwell, Cashwell, C. M. Cooke, Hargrave, Holton, Jernigan, Latham,

Linney, Love, Marler, McCauley, McElroy, McMillan, Parish, Pegram, Shaw, Tucker, Waring and Williamson—22.

*Negative*—Messrs. Albright, Boddie, Clement, N. S. Cook, French, Irwin, Jenkins, Kerr, Mills, Smith, Standford, Waddell, Walker, Worthy and Young—15.

The motion, as amended, then prevailed, and the report was made the special order for 7:30 P. M. Friday, and ordered to be printed.

The following named bills and resolutions were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows:

By Mr. Kerr: Resolution to appoint Dr. C. T. Murphy and Dr. G. W. Blacknall on the Board of Charities. Read and adopted.

By Mr. Cooke, of Franklin: A bill to be entitled an act to incorporate the Ridgeway Cemetery Association. Placed on the calendar.

A bill to be entitled an act to prohibit the sale of intoxicating liquor within one mile of the warehouse of the Raleigh and Gaston railroad, in Littleton, N. C. To the Committee on Propositions and Grievances.

By message from the House of Representatives, H. B. No. 452: A bill to be entitled an act to lay out and construct a public road through the counties of Watauga and Caldwell. Placed on the calendar.

H. B. No. 448: A bill to be entitled an act concerning Antioch Camp Ground, in Alleghany county, and to incorporate a board of trustees therefor. To the Committee on Propositions and Grievances.

H. B. No. 732: A bill to be entitled an act to amend chapter 50, laws of 1868–'69, as brought forward in Battle's Revisal, chapter 16. To the Committee on Judiciary.

H. B. No. 418: A bill to be entitled an act to locate a county site in the county of Pamlico. To the Committee on Propositions and Grievances.

H. B. No. 464: A bill to be entitled an act to amend sec-

tion 1, chapter 250, laws of 1868–'69, as brought forward in section 6, chapter 118, Battle's Revisal. To the Committee on Judiciary.

H. B. No. 527: A bill to be entitled an act for the relief of Mike Woods, of Wayne county. To the Committee on Propositions and Grievances.

H. B. No. 391: A bill to be entitled an act to change the dividing line between Craven and Pamlico counties. To the Committee on Propositions and Grievances.

H. B. No. 620: A bill to be entitled an act to authorize the board of commissioners of Watauga county to re-establish burnt or lost records of their court. To the Committee on Judiciary.

H. B. No. 414: A bill to be entitled an act to amend chapter 118, Battle's Revisal. To the Committee on Judiciary.

H. B. No. 385: A bill to be entitled an act in relation to the registration of deeds and other papers in certain cases. To the Committee on Propositions and Grievances.

H. B. No. 388: A bill to be entitled an act for the protection of fisheries. To the Committee on Propositions and Grievances.

H. B. No. 507: A bill to be entitled an act to allow the citizens of Swain county to pass through the counties of Macon and Jackson without paying toll. To the Committee on Internal Improvements.

H. B. No. 482: A bill to be entitled an act to lay off and establish a public road in the counties of Wilkes and Alexander. To the Committee on Propositions and Grievances.

H. B. No. 469: A bill to be entitled an act in regard to suits by and against the State Treasurer. To the Committee on Judiciary.

H. B. No. 378: A bill to be entitled an act to amend chapter 120, section 1, laws of 1871–'72. To the Committee on Judiciary.

H. B. No. 382: A bill to be entitled an act to amend chap-

ter 120, section 1, Battle's Revisal. To the Committee on Judiciary.

H. B. No. 373: A bill to be entitled an act to incorporate the town of Franklinsville, in the county of Randolph. To the Committee on Corporations.

H. B. No. 551: A bill to be entitled an act to prohibit the sale of spirituous liquors within half mile of Cub Creek church, in Wilkes county. To the Committee on Propositions and Grievances.

H. B. No. 600: A bill to be entitled an act to amend an act to incorporate the Georgia and North Carolina Railroad Company, ratified the 31st day of March, 1871. To the Committee on Corporations.

H. B. No. 582: A bill to be entitled an act to amend chapter 29, laws of 1871–'72, and chapter 36, amendatory thereof, sessions 1873–'74. To the Committee on Judiciary.

H. B. No. 553: A bill to be entitled an act to establish the City Bank of Wilmington. To the Committee on Banks and Currency.

H. B. No. 554: A bill to be entitled an act in relation to estrays. To the Committee on Judiciary.

At the expiration of the morning hour, the Senate resumed the consideration of the unfinished business of yesterday, to-wit:

S. B. No. 530: A bill to be entitled an act for the protection of farmers.

The question recurring upon the adoption of the amendment proposed by Mr. Busbee, Mr. Cantwell moved to amend by striking out "Brunswick."

On motion, the bill was laid upon the table.

The consideration of resolutions being in order

H. R. No. 76, S. R. No. 606: Resolution in favor of the salary of Judge McKay, judge of 4th judicial district, was read.

Mr. Marler moved to lay the resolution upon the table.

The yeas and nays being required, the motion did not prevail. Yeas 6, nays 28.

*Affirmative*—Messrs. Clement, N. S. Cook, Holton, Love, Marler and McMillan—6.

*Negative*—Messrs. Albright, Anderson, Boddie, Bryan, Cantwell, Cashwell, Graham, Hargrave, Irwin, Jenkins, Jernigan, Kerr, Latham, Mabson, McElroy, Mills, Morehead, Parish, Paschall, Pegram, Shaw, Standford, Stickney, Tucker, Waddell, Walker, Waring and Worthy—28.

The question recurring upon the adoption of the resolution, it was adopted.

S. R. No. 638: Resolution for the relief of John L. Herritage. The resolution was read.

Mr. Love proposed an amendment providing for the like relief of Nathan Crisp, of Graham county, which was rejected.

The question recurred upon the adoption of the resolution, the yeas and nays were required, and the resolution was not adopted. Yeas 16, nays 18.

*Affirmative*—Messrs. Bryan, Cantwell, C. M. Cooke, French, Graham, Jernigan, Linney, Marler, Morehead, Parish, Paschall, Smith, Standford, Tucker, Waddell and Worthy—16.

*Negative*—Messrs. Albright, Anderson, Cashwell, Clement, N. S. Cook, Hargrave, Holton, Irwin, Latham, Love, McCauley, McElroy, McMillan, Shaw, Stickney, Walker, Williamson and Young—18.

S. R. No. 712: Resolution on adjournment. The resolution was read.

Mr. Standford moved to postpone the further consideration of this resolution and make it the special order for 12 M., Saturday next.

The yeas and nays being required, the motion to postpone and make special order prevailed. Yeas 23, nays 14.

*Affirmative*—Messrs. Anderson, Busbee, Cashwell, French, Hargrave, Irwin, Jenkins, Jernigan, Kerr, Love, McCauley, McElroy, Mills, Morehead, Parish, Pegram, Shaw, Smith, Standford, Waddell, Waring, Worthy and Young—23.

*Negative*—Messrs. Albright, Boddie, Bryan, Cantwell, Clem-

ent, C. M. Cooke, N. S. Cook, Holton, Latham, Mabson, Marler, McMillan, Paschall and Walker—14.

Mr. Kerr asked and obtained leave to enter the following protest, which was read and ordered to be spread upon the Journal:

WHEREAS, The Senate has seen fit to pass a bill entitled "an act to reclaim and drain the swamp lands of N. C.;" *and whereas*, said act proposes to alienate one half of the said lands of said swamps to the New River Canal Company, because of the draining of said swamps by a canal cut and constructed by said New River Canal Company, which canal in my opinion does not entitle said company to such a large portion of said swamp lands, because of the little work done, and because of the little value said canal will be to reclaiming the swamp lands mentioned in the bill; therefore, because of these reasons and many others, I enter my protest against said alienation and giving away one half of the only lands now left to the State for educational purposes.

(Signed) EDWIN W. KERR,
Senator 14th District.

The Chair announced that the hour for the special order had arrived, to-wit:

S. B. No. 644: A bill to be entitled an act supplemental to an act entitled "an act to establish a legal rate of interest and prevent usury." The bill was read the second time.

The question recurred upon the adoption of the substitute proposed by the Committee on Judiciary.

Mr. C. M. Cooke moved that the further consideration of the bill be postponed, and made the special order for Saturday next at 12:30 P. M.

Mr. Shaw moved that the bill be laid upon the table.

The yeas and nays being required, the motion to table prevailed. Yeas 23, nays 17.

*Affirmative*—Messrs. Albright, Boddie, Cashwell, Clement,

Hargrave, Holton, Jernigan, Linney, Love, Mabson, Marler, McElroy, McMillan, Parish, Paschall, Pegram, Shaw, Smith, Tucker, Walker, Williamson, Worthy and Young—23.

*Negative*—Messrs. Anderson, Bryan, Busbee, Cantwell, C. M. Cooke, N. S. Cook, French, Irwin, Jenkins, Kerr, Latham, McCauley, Mills, Morehead, Standford, Waddell and Waring —17.

A bill on its third reading was acted upon as follows:

S. B. No. 761: A bill to be entitled an act to authorize the commissioners of Hertford county to issue bonds for the purpose of funding and paying the county debt.

The bill was read and passed the third time. Yeas 34, nays none.

*Affirmative*—Messrs. Albright, Anderson, Boddie, Busbee, Cantwell, Cashwell, Clement, C. M. Cooke, N. S. Cook, French, Hargrave, Irwin, Jenkins, Jernigan, Latham, Linney, Love, Mabson, Marler, McCauley, McElroy, McMillan, Mills, Parish, Paschall, Pegram, Smith, Standford, Tucker, Waddell, Walker, Williamson, Worthy and Young—34.

*Negative*—None.

At 12 o'clock the Chair announced that the hour for the special order had arrived, to-wit:

S. B. No. 416, H. B. No. 331: A bill to be entitled an act to divest the jurisdiction of the Superior Courts over misdemeanors in failing to list polls and propery, and for other purposes. The bill was read the second time.

Mr. Jenkins offered an amendment, in the nature of a substitute, which was adopted.

Mr. Busbee offered an amendment to the substitute.

Mr. Standford offered an amendment to the amendment proposed by Mr. Busbee, which was rejected.

Mr. Parish offered an amendment, in the nature of a substitute, for the amendment proposed by Mr. Busbee, which was rejected.

The question recurring upon the amendment proposed by Mr. Busbee, it prevailed.

Mr. Busbee then offered to amend by striking out section 2, and snserting, " That no part of the costs upon any indictment under said sections shall in any case be taxed against the county in which the same may be found; nor shall said county in any event be held liable for the same, or any part thereof." The amendment prevailed.

The question recurred upon the passage of the bill as amended on its second reading, and the bill passed the second time.

On motion, the rules were suspended, and the bill was read and passed the third time. Yeas 30, nays 6.

*Affirmative*—Messrs. Albright, Boddie, Busbee, Cashwell, Clement, C. M. Cooke, French, Hargrave, Holton, Irwin, Jernigan, Kerr, Latham, Linney, Love, Mabson, Marler, McElroy, Mills, Morehead, Parish, Paschall, Pegram, Smith, Standford, Waddell, Waring, Williamson, Worthy and Young—30.

*Negative*—Messrs. Anderson, Bryan, Cantwell, McCauley, McMillan and Tucker—6.

Bills were acted upon, under a suspension of the rules, as follows:

S. B. No. 459, H. B. No. 243: A bill to be entitled an act to amend the charter of the city of Greensboro'. The bill was read the second time, the amendment, in the nature of a substitute, proposed by the Committee on Corporations, was adopted, and the bill was passed the second time.

The bill was then read and passed the third time, the yeas and nays being dispensed with by consent.

S. B. No. 696, H. B. No. 374: A bill to be entitled an act to authorize the board of county commissioners of Stanly county to subscribe to the capital stock of the Yadkin Railroad Company. The bill was read and passed the third time. Yeas 27, nays none.

*Affirmative*—Messrs. Albright, Anderson, Boddie, Busbee, Cantwell, Cashwell, Clement, C. M. Cooke, French, Hargrave, Irwin, Jenkins, Kerr, Latham, Linney, Love, Marler, McCau-

ley, McElroy, McMillan, Mills, Parish, Paschall, Pegram, Shaw, Smith and Worthy—27.

*Negative*—None.

S. B. No. 766: A bill to be entitled an act to authorize the commissioners of Franklin county to levy a special tax for the purpose of paying the outstanding debts of said county.

The bill was read and passed the third time. Yeas 35, nays none.

*Affirmative*—Messrs. Albright, Anderson, Boddie, Bryan, Busbee, Cantwell, Cashwell, Clement, C. M. Cooke, N. S. Cook, Hargrave, Holton, Irwin, Jenkins, Jernigan, Kerr, Latham, Love, Mabson, Marler, McCauley, McElroy, McMillan, Mills, Morehead, Parish, Paschall, Pegram, Smith, Standford, Tucker, Waddell, Waring, Williamson and Worthy—35.

*Negative*—None.

S. B. No. 773: A bill to be entitled an act to charter "Fifth Ward Bucket Company, of Wilmington."

The bill was read and passed the second and third times, the yeas and nays being dispensed with by consent.

S. B. No. 578: A bill to be entitled an act to incorporate "Eno Grange, No. 134, Patrons of Husbandry."

The bill was read and passed the second and third times, the yeas and nays being dispensed with by consent.

Mr. Mabson moved that the Senate do now adjourn until to-morrow at 11 A. M.

The yeas and nays being required, the motion did not prevail. Yeas 7, nays 29.

*Affirmative*—Messrs. Bryan, Cantwell, Cashwell, Mabson, McElroy, Tucker and Walker—7.

*Negative*—Messrs. Albright, Anderson, Boddie, Busbee, Clement, C. M. Cooke, N. S. Cook, French, Hargrave, Holton, Jenkins, Jernigan, Kerr, Latham, Linney, Love, Marler, McMillan, Mills, Morehead, Parish, Paschall, Pegram, Smith, Standford, Waddell, Waring, Williamson and Worthy—29.

Mr. French moved that the Senate do now adjourn.

The yeas and nays being required, the Senate refused to adjourn. Yeas. 19, nays 20.

*Affirmative*—Messrs. Albright, Bryan, Busbee, Cashwell, Clement, C. M. Cooke, N. S. Cook, French, Holton, Jernigan, Latham, Linney, McElroy, Morehead, Standford, Waddell, Waring, Williamson and Worthy—19.

*Negative*—Messrs. Anderson, Boddie, Cantwell, Hargrave, Irwin, Jenkins, Kerr, Love, Mabson, Marler, McCauley, McMillan, Mills, Parish, Paschall, Pegram, Smith, Tucker, Walker and Young—20.

The following named bills, amendments and resolutions, reported as correctly engrossed by the Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence:

S. B. No. 692: A bill to be entitled an act to amend section 1, chapter 52, and section 1, chapter 59, of the laws of 1873–'74.

S. B. No. 314: A bill to be entitled an act to repeal an act incorporating the Beneficial Association.

S. B. No. 613: A bill to be entitled an act to amend section 11, chapter 53, of Battle's Revisal, entitled "Guardian and Ward."

S. B. No. 764: A bill to be entitled an act to construe the meaning of the 6th section of an act ratified the 22d day of February, 1875, entitled "an act to regulate the rate of interest and to prevent usury."

On motion, the Senate adjourned until 10 A. M. to-morrow.

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## SEVENTIETH DAY.

SENATE CHAMBER, March 4th, 1875.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

Mr. Jernigan presented petitions and counter petitions rela-

tive to fishing seines near the mouth of the Chowan river. Referred to the Committee on Propositions and Grievances.

Mr. Cantwell presented a memorial from Union church, New Hanover county. Referred to the Committee on Propositions and Grievances.

Mr. Standford moved to reconsider the vote by which S. B. No. 416, H. B. No. 331: A bill to be entitled an act to divest the jurisdiction of the Superior Courts over misdemeanors for failing to list polls and other taxes, passed its third reading yesterday. The motion was placed on the calendar.

Reports from Standing Committees were submitted as follows:

From Committee on Insane Asylum:

By Mr. Mills, S. B. No. 688: A bill to be entitled an act to provide another asylum for the Insane of North Carolina, with accompanying amendments.

On motion, the bill was made the special order for 7:30 P. M., Friday.

From Committee on Internal Improvements:

By Mr. Waring, S. B. No. 717: A bill to be entitled an act to incorporate the "Wilmington and New River Steam Navigation Company," with a recommendation that it do pass.

From Committee on Education:

By Mr. Bell, S. B. No. 315: A bill to be entitled an act for the building and repairing of school houses in Craven county, with a recommendation that it do not pass.

From Committee on Judiciary:

By Mr. Morehead, S. B. No. 718: A bill to be entitled an act to amend sub-division 1, of the 13th section, of the 119th chapter, of Battle's Revisal, entitled "Wills and Testaments," with a recommendation that it do not pass.

H. B. No. 586, S. B. No. 753: A bill to be entitled an act to amend section 19, chapter 32, Battle's Revisal, in relation to crimes and punishments, with a recommendation that it do not pass.

By Mr. McElroy, S. B. No. 732: A bill to be entitled an act

to amend section 6, chapter 105, Battle's Revisal, entitled Salaries and Fees, with a recommendation that it do pass.

H. B. No. 263, S. B. No. 525: A bill to be entitled an act to amend and re-enact chapter 31, section 104, of the Revised Code, concerning appeals from justices' courts, with a recommendation that it do pass.

By Mr. Linney, H. B. No. 565, S. B. No. 754: A bill to be entitled an act to provide for payment of costs and other indemnity of officers in certain cases, with a recommendation that it do pass.

By Mr. C. M. Cooke, S. B. No. 759: A bill to be entitled an act requiring sureties on official bonds to reside in the county in which the bonds are given, with a recommendation that it do pass.

From Committee on Claims:

By Mr. Williamson, H. R. No. 148, S. R. No. 779: Resolution in favor of J. H. Enniss, with a recommendation that it do pass.

From Committee on Propositions and Grievances:

By Mr. Latham, H. B. No. 550, S. B. No. 755: A bill to be entitled an act to authorize the county commissioners of Cherokee county to levy a special tax, with accompanying amendment.

H. B. No. 240, S. B. No. 744: A bill to be entitled an act to prevent the felling trees or throwing obstructions in Big Bear creek, in Stanly county, with a recommendation that it do pass.

S. B. No. 770: A bill to be entitled an act to authorize the commissioners of Northampton county to levy a special tax.

From Committee on Corporations:

By Mr. Busbee, S. B. No. 275: A bill to be entitled an act to incorporate Kinston Lodge, No. 316, F. and A. M., with a recommendation that it do pass.

From Committee on Banks and Currency:

By Mr. C. M. Cooke, H. B. 610, S. B. 781. A bill to be entitled an act concerning banking institutions in this State, with a recommendation that it do pass.

Mr. Shaw made a report from the joint committee to investigate the affairs of the Albemarle and Chesapeake Canal Company, with accompanying resolution, which was read and referred to the Committee on Judiciary.

Mr. Marler made a report from the Committee on Penal Institutions, with accompanying bill, which was read, and, on motion, made the special order for Monday, at 12 M., and ordered to be printed.

The following named bills and resolutions were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows;

By message from the House of Representatives, H. R. No. 72: Resolution in favor of K. Haynes, sheriff of Columbus county. To the Committee on Finance.

By Mr. Anderson: A bill to be entitled an act to empower the commissioners of Cabarrus county to sell their present court house and jail lots, and to levy a special tax. Placed on the calendar.

By Mr. McMillan: A bill to be entitled an act to incorporate the Marion and Jefferson Turnpike Company. To the Committee on Internal Improvements.

A bill to be entitled an act to incorporate the town of Ore Knob, in Ashe county. To the Committee on Corporations.

By Mr. Waddell: A bill to be entitled an act authorizing a specific appropriation for the erection of the Penitentiary. To the Committee on Finance.

A bill to be entitled an act to change the time of holding elections in this State in the year 1876. To the Committee on Judiciary.

By Mr. Paschall: A bill to be entitled an act to extend the jurisdiction of magistrates. To the Committee on Judiciary.

By Mr. Standford: A bill to be entitled an act to prohibit the sale of spirituous liquors in three miles of Bethlehem and White Oak churches, in Bladen county. To the Committee on Propositions and Grievances.

By Mr. Worthy: A bill to be entitled an act concerning the hunting of deer and other wild game in the county of Moore. To the Committee on Agriculture, Mechanics and Mining.

By Mr. Linney: A bill to be entitled an act to amend section 20, chapter 97, of Battle's Revisal. Placed on the calendar.

By Mr. Cantwell: A bill to be entitled an act to establish a colored branch asylum for insane at Wilmington, N. C. To the Committee on Insane Asylum.

Resolution of instruction to the public printer. Adopted.

By Mr. Busbee: Resolution in favor of Sarah E. Wilder, executrix. To the Committee on Claims.

By Mr. Latham: A bill to be entitled an act to authorize the commissioners of Washington county to levy a special tax for the purpose of building a court house. To the Committee on Propositions and Grievances.

Bills on third reading were acted upon as follows:

S. B. No. 532: A bill to be entitled an act to prevent trespasses on real estate in certain cases. The bill was read the third time.

Mr. Cantwell offered an amendment, which was rejected.

The bill then passed the third time. Yeas 33, nays 6.

*Affirmative*—Messrs. Albright, Anderson, Boddie, Busbee, Cashwell, Clement, French, Hargrave, Irwin, Jenkins, Kerr, Latham, Linney, Love, Marler, McElroy, McMillan, Mills, Parish, Paschall, Peebles, Pegram, Selby, Shaw, Standford, Stickney, Sugg, Taylor, Waddell, Waring, Williamson, Worthy and Young—33.

*Negative*—Messrs. Bryan, Cantwell, N. S. Cook, Holton, Mabson and Walker—6.

S. B. No. 737, H. B. No. 674: A bill to be entitled an act for the protection of birds in the counties of Davidson, Randolph, Rowan, Anson, Warren, Guilford and Edgecombe. The bill was read the third time.

Mr. Peebles offered to amend by striking out "Northampton."

The yeas and nays being required, the amendment prevailed. Yeas 36, nays 5.

*Affirmative*—Messrs. Albright, Anderson, Boddie, Bryan, Cantwell, Cashwell, C. M. Cooke, N. S. Cook, Hargrave, Holton, Irwin, Jernigan, Kerr, Latham, Linney, Love, Mabson, Marler, McCauley, McElroy, McMillan, Mills, Parish, Paschall, Peebles, Selby, Shaw, Smith, Standford, Sugg, Tucker, Waddell, Walker, Waring, Williamson and Worthy—36.

*Negative*—Messrs. Busbee, French, Jenkins, Pegram and Stickney—5.

Mr. Morehead offered an amendment, which was rejected.

Mr. Standford moved to amend by inserting "Warren." The amendment prevailed.

Mr. Mabson moved to amend by striking out "Edgecombe."

The yeas and nays being required, the amendment prevailed. Yeas 24, nays 18.

*Affirmative*—Messrs. Albright, Boddie, Bryan, Cantwell, N. S. Cook, Holton, Irwin, Kerr, Latham, Linney, Love, Mabson, Marler, McCauley, McElroy, McMillan, Mills, Paschall, Peebles, Smith, Tucker, Walker, Waring and Worthy—24.

*Negative*—Messrs. Anderson, Bell, Busbee, Cashwell, Clement, C. M. Cooke, French, Graham, Hargrave, Jenkins, Jernigan, Morehead, Parish, Pegram, Shaw, Stickney, Sugg and Waddell—18.

The bill then passed the third time. Yeas 37, nays 3.

*Affirmative*—Messrs. Albright, Anderson, Bell, Boddie, Bryan, Busbee, Cantwell, Cashwell, Clement, C. M. Cooke, N. S. Cook, French, Graham, Hargrave, Holton, Irwin, Jenkins, Jernigan, Kerr, Latham, Linney, Love, Marler, McCauley, McElroy, McMillan, Mills, Parish, Paschall, Pegram, Shaw, Smith, Standford, Tucker, Waddell, Walker and Worthy—37.

*Negative*—Messrs. Mabson, Morehead and Peebles– 3.

Bills on second reading were acted on as follows:

S. B. No. 172: A bill to be entitled an act requiring security

from certain corporations, and for other purposes. The bill was read the second time.

Mr. McMillan offered as a substitute for the bill, S. B. No. 205: A bill to be entitled an act to require all fire insurance companies, not incorporated under the laws of this State, to make a deposit of securities.

Pending its consideration, the Chair announced that the hour had arrived for the special order, to-wit:

S. B. No. 686: A bill to be entitled an act to amend an act entitled an act to amend the charter of the North Carolina Railroad Company, and for other purposes therein mentioned, ratified 10th day of February, 1874.

On motion, postponed and made the special order for to-morrow at 11 A. M.

On motion of Mr. Graham, the rules were suspended, and S. B. No. 660: A bill to be entitled an act to incorporate the Snow Hill Branch Railroad Company, taken from the calendar and put on its passage. The bill was read the second time.

The amendment proposed by the Committee on Internal Improvements prevailed, and the bill passed the second time. Yeas 38, nays none.

*Affirmative*—Messrs. Albright, Anderson, Bell, Boddie, Busbee, Cantwell, Cashwell, Clement, C. M. Cooke, French, Graham, Hargrave, Irwin, Jenkins, Kerr, Latham, Linney, Love, Mabson, Marler, McCauley, McElroy, McMillan, Mills, Parish, Paschall, Peebles, Shaw, Smith, Standford, Stickney, Sugg, Taylor, Tucker, Waddell, Walker, Waring, Williamson and Worthy—38.

*Negative*—None.

The bill was then made the special order for to-morrow at 12 M.

Mr. Shaw offered the following resolution:

"A resolution in regard to the adjournment of the Forty-third Congress of the United States.

WHEREAS, The term of the Forty third Congress of the United States expires with this hour (12 M.); *and whereas*, a large majority of said Congress, being unmindful of the trusts reposed in it by a free people, have heaped burdens and insults upon them unprecedented in the annals of history, and with an unmitigated hatred to the Southern portion of this Union, have converted the "halls of Congress" into a "Star Chamber" of oppression; therefore

*Be it resolved by the Senate of North Carolina*, That we hail with joy this, the hour of our deliverance, and extend our congratulations to the whole people of these United States upon this happy dawn of a better day."

The resolution was read.

Mr. Mabson moved to indefinitely postpone the resolution.

The yeas and nays being required, the motion did not prevail. Yeas 11, nays 31.

*Affirmative*—Messrs. Bryan, Cashwell, Clement, N. S. Cook, Holton, Latham, Mabson, Mills, Paschall, Tucker and Walker—11.

*Negative*—Messrs. Albright, Anderson, Bell, Boddie, Busbee, Cantwell, C. M. Cooke, French, Graham, Hargrave, Irwin, Jenkins, Kerr, Linney, Love, McElroy, McMillan, Morehead, Parish, Pegram, Selby, Shaw, Smith, Standford, Stickney, Taylor, Waddell, Waring, Williamson, Worthy and Young—31.

Mr. Morehead offered an amendment, in the nature of a substitute.

Mr. C. M. Cooke moved to postpone the further consideration of the resolution, and make it the special order for March 15th inst., at 12 M.

Mr. Morehead moved the previous question.

The yeas and nays being required, the motion did not prevail. Yeas 19, nays 20.

*Affirmative*—Messrs. Albright, Anderson, Bell, Boddie, C. M. Cooke, Hargrave, Holton, Irwin, Marler, McMillan, More-

head, Pegram, Shaw, Standford, Stickney, Waddell, Waring, Worthy and Young—19.

*Negative*—Messrs. Busbee, Cantwell, Cashwell, Clement, N. S. Cook, French, Jenkins, Kerr, Latham, Linney, Love, Mabson, McCauley, McElroy, Parish, Paschall, Taylor, Tucker, Walker and Williamson—20.

The question recurring on the motion to postpone to March 15th, 12 M., and the yeas and nays being required, it did not prevail. Yeas 16, nays 25.

*Affirmative*—Messrs. Albright, Boddie, Bryan, Cashwell, C. M. Cooke, Hargrave, Irwin, Latham, McCauley, McMillan, Paschall, Pegram, Selby, Tucker, Walker and Worthy—16.

*Negative*—Messrs. Anderson, Bell, Busbee, Cantwell, Clement, N. S. Cook, French, Holton, Jenkins, Jernigan, Kerr, Linney, Love, Marler, McElroy, Mills, Morehead, Parish, Shaw, Smith, Sneed, Standford, Waddell, Waring and Young—25.

Mr. Mills moved that the resolution be laid upon the table.

The yeas and nays being required, it did not prevail. Yeas 20, nays 24.

*Affirmative*—Messrs. Albright, Boddie, Bryan, Cashwell, Clement, C. M. Cooke, N. S. Cook, Hargrave, Holton, Irwin, LeGrand, Mabson, McCauley, Mills, Paschall, Pegram, Selby, Tucker, Walker and Williamson—20.

*Negative*—Mr. President, Messrs. Anderson, Bell, Busbee, Cantwell, French, Graham, Jernigan, Kerr, Latham, Linney, Love, Marler, McElroy, McMillan, Morehead, Parish, Shaw, Smith, Standford, Stickney, Taylor, Worthy and Young—24.

The question recurring on the substitute, Mr. Shaw moved the previous question.

The yeas and nays being required, the call was sustained. Yeas 29, nays 12.

*Affirmative*—Messrs. Albright, Anderson, Bell, Boddie, Clement, C. M. Cooke, French, Graham, Hargrave, Irwin, Jenkins, Jernigan, Kerr, Latham, LeGrand, Linney, Love, Mabson, Marler, McMillan, Morehead, Parish, Pegram, Shaw, Smith, Standford, Waddell, Waring and Williamson—29.

*Negative*—Messrs. Bryan, Busbee, Cantwell, N. S. Cook, McCauley, McElroy, Mills, Paschall, Selby, Taylor, Tucker Walker and Young—12.

The question recurring on the substitute, and the yeas and nays being required, it was rejected. Yeas 16, nays 29.

*Affirmative*—Messrs. Albright, Boddie, Hargrave, Latham, Love, Marler, McCauley, McMillan, Morehead, Pegram, Selby, Waddell, Walker, Waring, Williamson and Worthy—16.

*Negative*—Messrs. Anderson, Bell, Bryan, Busbee, Cantwell, Clement, C. M. Cooke, N. S. Cook, French, Graham, Holton, Irwin, Jenkins, Jernigan, Kerr, LeGrand, Linney, Mabson, McElroy, Mills, Parish, Paschall, Shaw, Smith, Standford, Stickney, Taylor, Tucker and Young—29.

The yeas and nays being required, the resolution was then adopted. Yeas 26, nays 22.

*Affirmative*—Mr. President, Messrs. Anderson, Bell, Busbee, French, Graham, Jenkins, Jernigan, Kerr, Linney, Love, Marler, McElroy, McMillan, Morehead, Parish, Pegram, Selby, Shaw, Smith, Standford, Stickney, Waddell, Waring, Worthy and Young—26.

*Negative*—Messrs. Albright, Boddie, Bryan, Cantwell, Cashwell, Clement, C. M. Cooke, N. S. Cook, Hargrave, Holton, Irwin, Latham, LeGrand, Mabson, McCauley, Mills, Paschall, Peebles, Taylor, Tucker, Walker and Williamson—22.

The following named bills, amendments and resolutions, reported as correctly engrossed by the Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence :

S. B. No. 92: A bill to be entitled an act for the improvement and reclamation of certain swamp lands in New Hanover and other counties.

Senate amendments to H. B. No. 459, S. B. No. 243: A bill to be entitled an act to amend the charter of the city of Greensboro.

The following bills and resolutions, reported as correctly en-

rolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

An act to authorize the county commissioners of Montgomery county to levy a special tax.

An act to incorporate Swann's Station, in the county of Moore.

An act to amend an act to incorporate the Cheoah Turnpike Company, by authorizing the construction of the branch road from Valley river, Cherokee county, to Hayesville, Clay county.

An act to prevent the sale of liquor near Hayesville Academy, Clay county.

An act to allow the Lincolnton township, Lincoln county, N. C., to subscribe to Chester and Lenoir Narrow Gauge Railroad.

An act to prevent the sale of any intoxicating liquors within three miles of Asheville and Spartanburg Railroad.

An act to repeal a portion of chapter 137, laws 1873–'74.

Resolution in regard to the Lovejoy Academy.

An act to amend chapter 50, private laws 1871–'72, entitled an act to incorporate the town of Boone, in the county of Watauga.

An act to change the dividing line between the counties of Gaston and Lincoln.

An act to continue in force an act to incorporate the Bank of Raleigh.

An act repealing a certain part of chapter 137, laws of 1873–'74.

An act providing for the filling of vacancies occurring in the boards of county commissioners in the State.

An act to amend chapter 171, laws of 1872–'73.

An act to repeal the charter of the town of Beaufort, Carteret county.

An act to incorporate Lodge No. 1, Grand Order of the Patrons of Mercy, Wilmington, N. C.

An act to protect the stock of the citizens of Forsythe county.

An act to amend chapter 17, of Battle's Revisal, known as the Code of Civil Procedure, title 12, section 276, sub-division 4.

An act to incorporate Cedar Fork Lodge, No. 342, Free and Accepted Masons.

An act incorporating the Southern Underwriters' Association.

An act to secure the insurance of public buildings in Lincoln county.

An act to incorporate the Widows' and Orphans' Benefit Society, N. C. Conference, M. E. Church, South.

An act to change the times of holding certain courts in the Eleventh Judicial District.

Resolution in favor of James H. Enniss.

Resolution in favor of W. H. Morriss & Co.

An act to amend chapter 137, section 1, laws 1873–'74.

An act to amend chapter 184, laws 1850–'51, entitled an act to encourage the raising of sheep in the counties of Watauga and Ashe.

An act to incorporate the town of Morrisville, in the county of Wake.

An act to incorporate the Bank of Durham.

An act to incorporate Graham High School, in the county of Alamance.

An act to incorporate Columbus Lodge, No. 27, Independent Order of Odd Fellows.

An act to secure the sufficiency of official bonds.

An act to attach so much of Craven county as lies north and east of Adams' creek, to Carteret county.

An act to authorize the county commissioners of Brunswick county to submit to the people of that county the question of changing the county seat.

An act to incorporate the town of Whitaker's, in the counties of Nash and Edgecombe.

On motion the Senate adjourned until 10 A. M., to-morrow.

## SEVENTY-FIRST DAY.

SENATE CHAMBER, March 5th, 1875.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Mangum.

The Journal of yesterday was read.

A message was received from the House of Representatives transmitting a communication from his Excellency, the Governor, concerning the Centennial Celebration of 1876, with a proposition to print. The proposition was concurred in.

Mr. Peebles moved to reconsider this vote. The motion did not prevail.

Mr. Standford moved to reconsider the vote by which H. B. No. 674, S. B. No. 737: A bill to be entitled an act for the protection of birds in the counties of Davidson, Randolph, Rowan, Anson, Warren, Guilford and Edgecombe, passed. The motion was placed on the calendar.

Mr. Mills moved to rescind the resolution placing the calendar at the disposal of the Chair for the remainder of the session.

Mr. Marler moved to lay the motion on the table. The motion to table prevailed.

On motion, the report of the Joint Select Committee on Western Insane Asylum was made the special order for 8 P. M. to-day.

A message was received from the House of Representatives transmitting House amendments to S. B. No. 90, H. B. No. 562: A bill to be entitled on act to amend an act entitled an act to charter the Carolina Narrow Gauge Railroad, ratified February 8th, 1872.

The amendments were concurred in, and the bill was ordered to be enrolled for ratification.

Reports from Standing Committees were submitted as follows:

From Committee on Corporations:

By Mr. Busbee, S. B. No. 762: A bill to be entitled an act to incorporate Yadkin River Bridge and Turnpike Company, with accompanying amendments.

S. B. No. 807, H. B. No. 600: A bill to be entitled an act to amend an act to incorporate the Georgia and North Carolina Railroad Company, ratified the 31st day of March, 1871, with recommendation that it do pass.

S. B. No. 809, H. B. No. 372: A bill to be entitled an act to incorporate the town of Franklinsville, in the county of Randolph, with a recommendation that it do pass.

S. B. No. 757, H. B. No. 545: A bill to be entitled an act to amend the charter of the town of LaGrange, in the county of Lenoir, with a recommendation that it do pass.

S. B. No. 825: A bill to be entitled an act to incorporate the town of Ore Knob, in Ashe county, with a recommendation that it do pass.

From Committee on Finance:

By Mr. Latham, S. B. No. 749, H. B. No. 648: A bill to be entitled an act to require the officers of the various counties to make reports of all moneys which may come into their hands, with a recommendation that it do pass.

From Committee on Judiciary:

By Mr. Morehead, S. B. No. 785, H. B. No. 711: A bill to be entitled an act to amend section 13, chapter 63, of Battle's Revisal, with a recommendation that it do not pass.

By Mr. Latham, S. B. No. 592: A bill to be entitled an act to allow Catawba Springs township, Lincoln county, an additional justice of the peace, with a recommendation that it do pass.

S. B. No. 738, H. B. No. 303: A bill to be entitled an act to define what interests in real estate may be sold under execution, with a recommendation that it do not pass.

By Mr. Shaw, S. B. No. 776, H. B. No. 318: A bill to be entitled an act to punish the burning of grain and other products secured in stacks or otherwise out of doors, with accompanying amendments.

By Mr. Linney, S. B. No. 799, H. B. No. 620: A bill to be entitled an act to authorize the board of commissioners of Watauga county to re-establish burnt or lost records of their court, with accompanying amendments.

From Committee on Internal Improvements:

By Mr. McMillan, S. B. No. 826: A bill to be entitled an act to incorporate the Marion and Jefferson Turnpike Company, with accompanying amendments.

From Committee on Propositions and Grievances:

By Mr. Latham, S. B. No. 792: A bill to be entitled an act to prohibit the sale of intoxicating liquor within one mile of the warehouse of the Raleigh and Gaston Railroad, in Littleton, North Carolina.

S. B. No. 803, H. B. 448: A bill to be entitled an act concerning Antioch Camp Ground, in Alleghany county, and to incorporate a board of trustees therefor, with a recommendation that it do pass.

S. B. No. 801, H. B. No. 527: A bill to be entitled an act for the relief of Mike Woods, of Wayne county, with a recommendation that it do not pass.

S. B. No. 777, H. B. No. 365: A bill to be entitled an act for the relief of the sheriffs of Iredell, Alexanderand Surry counties, with a recommendation that it do not pass.

S. B. No. 784, H. B. No. 244: A bill to be entitled an act to prevent the felling of timber into the channel of South creek, in Beaufort county, with a recommendation that it do not pass.

S. B. No. 670: A bill to be entitled an act concerniug salaries and fees, with a recommendation that it do not pass.

S. B. No. 711: A bill to be entitled an act concerning lotteries and to prevent and punish the same, with a recommendation that it do not pass.

S. B. No. 788, H. B. No. 356: A bill to be entitled an act to change the line of the counties of Alleghany and Surry, with a recommendation that it do pass.

S. B. No. 813, H. B. No. 482: A bill to be entitled an act

to lay off and establish a public road in the counties of Wilkes and Alexander, with a recommendation that it do pass.

S. B. No. 808, H. B. No. 551 : A bill to be entitled an act to prohibit the sale of spirituous liquors within one-half mile of Cub Creek church, in Wilkes county, with a recommendation that it do pass.

S. B. No. 489, H. B. No. 269: A bill to be entitled an act authorizing the city of Greensboro' to issue bonds, with a recommendation that it do not pass.

On motion of Mr. Morehead, the bill was laid upon the table.

The following named bills and resolutions were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows:

By Mr. Parish: A bill to be entitled an act to amend section 98, chapter 102, Battle's Revisal. To the Committee on Judiciary.

By Mr. Taylor : A bill to be entitled an act to amend an act to prohibit the sale of spirituous liquors in townships where the people so determine. To the Committee on Propositions and Grievances.

By Mr. Cantwell: A bill to be entitled an act to encourage the manufacture of cotton and woolen fabrics in North Carolina. To the Committee on Agriculture, Mechanics and Mining.

By Mr. Busbee : Resolution concerning the outhouse of the Capitol. To the Committee on Public Buildings and Grounds.

By Mr. Latham : Resolution in relation to pardon. Adopted and ordered to be transmitted to the House of Representatives without engrossment.

By message from the House of Representatives, H. B. No. 763 : A bill to be entitled an act supplemental to an act entitled an act to change the times of holding certain courts in the eleventh judicial district. Placed on the calendar.

H. B. No. 541 : A bill to be entitled an act in relation to the

Western North Carolina Railroad. To the Committee on Internal Improvements, and ordered to be printed.

Bills on second reading were acted upon, as follows:

S. B. No. 816: A bill to be entitled an act to authorize the commissioners of Washington county to levy a special tax for the purpose of building a court house.

The bill was read and passed the second time. Yeas 36, nays 1.

*Affirmative*—Messrs. Albright, Anderson, Boddie, Bryan, Cantwell, Cashwell, Clement, N. S. Cook, French, Graham, Hargrave, Holton, Irwin, Jenkins, Jernigan, Kerr, Latham, LeGrand, Linney, Love, Mabson, Marler, McElroy, McMillan, Parish, Paschall, Selby, Shaw, Smith, Standford, Taylor, Waddell, Walker, Waring, Williamson, Worthy and Young—36.

*Negative*—Mr. Tucker—1.

S. B. No. 827: A bill to be entitled an act to empower the commissioners of Cabarrus county to sell their present court house and jail lots, and to levy a special tax.

The bill was read and passed the second time. Yeas 39, nays 1.

*Affirmative*—Messrs. Albright, Anderson, Boddie, Bryan, Cantwell, Cashwell, Clement, C. M. Cooke, N. S. Cook, French, Graham, Irwin, Jenkins, Jernigan, Kerr, Latham, LeGrand, Linney, Love, Mabson, Marler, McCauley, McElroy, McMillan, Parish, Paschall, Pegram, Selby, Shaw, Smith, Standford, Stickney, Sugg, Taylor, Waddell, Walker, Waring, Williamson and Worthy—39.

*Negative*—Mr. Tucker—1.

H. B. No. 318, S. B. No. 776: A bill to be entitled an act to punish the burning of grain and other products secured in stacks or otherwise out of doors. The bill was read the second time.

The amendment proposed by the Committee on Judiciary was adopted.

Mr. Linney moved to reconsider this vote. The motion prevailed.

Mr. Linney moved to amend the amendment by striking out the second clause of the committee's amendment. The motion prevailed.

The bill then passed the second time.

The rules were suspended, and the bill read and passed the third time, the yeas and nays being dispensed with by consent.

S. B. No. 428: A bill to be entitled an act to repeal sections 19 and 20, of chapter 65, of Battle's Revisal. The bill was read the second time.

The Chair announced that the hour for the special order had arrived.

On motion, the special order was postponed for one half hour, and the Senate resumed the consideration of S. B. No. 428.

Mr. Cantwell moved that the bill be indefinitely postponed.

Pending its consideration, the Chair announced that the hour had arrived for the special order.

Mr. C. M. Cooke moved to postpone the special order for an half hour.

The yeas and nays being required, the motion prevailed. Yeas 30, nays 17.

*Affirmative*—Messrs. Albright, Anderson, Boddie, Cantwell, Clement, C. M. Cooke, French, Graham, Irwin, Jernigan, Kerr, Linney, Love, Mabson, Marler, McElroy, McMillan, Mills, Morehead, Paschall, Peebles, Pegram, Selby, Shaw, Smith, Standford, Taylor, Waddell, Waring and Williamson —30.

*Negative*—Messrs. Bell, Busbee, Cashwell, N. S. Cook, Hargrave, Holton, Jenkins, Latham, LeGrand, McCauley, Parish, Stickney, Sugg, Tucker, Walker, Worthy and Young —17.

The Senate then resumed the consideration of S. B. No. 428.

Pending the consideration of the bill, Mr. Albright called the previous question.

The yeas and nays being required, the call was not sustained. Yeas 21, nays 22.

*Affirmative*—Messrs. Albright, Anderson, Boddie, Cantwell, N. S. Cook, Graham, Hargrave, Holton, Jenkins, Linney, Love, Mabson, McElroy, McMillan, Parish, Paschall, Peebles, Tucher, Walker, Williamson and Young—21.

*Negative*—Messrs. Bell, Bryan, Busbee, Cashwell, Clement, C. M. Cooke, French, Irwin, Jernigan, Latham, LeGrand, Marler, McCauley, Pegram, Shelby, Shaw, Smith, Standford, Taylor, Waddell, Waring and Worthy—22.

The Chair then announced that the hour had arrived for the special order, to-wit:

S. B. No. 686: A bill to be entitled an act to amend an act entitled an act to amend the charter of the North Carolina Railroad Company, and for other purposes therein mentioned, ratified 10th day of February, 1874. The bill was read the second time.

Mr. French moved to postpone its further consideration, and make it the special order for Monday at 11 A. M. The motion prevailed.

The Chair then announced the next special order for 12 M., to-wit:

S. B. No. 660: A bill to be entitled an act to incorporate the Snow Hill Branch Railroad.

The bill was read and passed the third time. Yeas 36, nays none.

*Affirmative*—Messrs. Albright, Anderson, Boddie, Busbee, Cantwell, Cashwell, Clement, French, Graham, Hargrave, Irwin, Jenkins, Jernigan, Kerr, Latham, LeGrand, Linney, Love, McCauley, McElroy, McMillan, Mills, Parish, Paschall, Pegram, Selby, Shaw, Smith, Stickney, Sugg, Taylor, Tucker, Waddell, Walker, Waring, Williamson and Worthy—36.

*Negative*—None.

Bills, under a suspension of the rules, were acted upon as follows:

S. B. No. 825: A bill to be entitled an act to incorporate the town of Ore Knob, in Ashe county.

The bill was read and passed the second and third times, the yeas and nays being dispensed with by consent.

H. B. No. 763, S. B. No. 833: A bill to be entitled an act supplemental to an act entitled an act to change the times of holding certain courts in the Eleventh Judicial District. The bill was read and passed the second and third times, the yeas and nays being dispensed with by consent.

Mr. Mills moved to reconsider this vote, and to lay that motion on the table. The motion to table prevailed.

The Senate resumed the consideration of the unfinished business of yesterday, to wit: S. B. No. 172: A bill to be entitled an act requiring security from certain corporations, and for other purposes.

Mr. French moved to postpone the further consideration of the bill until 12:30 P. M., Monday, and make it the special order for that hour. The motion prevailed.

The following named bills, amendments and resolutions, reported as correctly engrossed by the Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence:

S. B. No. 773: A bill to be entitled an act to charter "Fifth Ward Bucket Company, of Wilmington."

S. B. No. 766: A bill to be entitled an act to authorize the commissioners of Franklin county to levy a special tax for the purpose of paying the outstanding debts of said county.

S. B. No. 761: A bill to be entitled an act to authorize the commissioners of Hertford county to issue bonds for the purpose of funding and paying the county debt.

S. B. No. 578: A bill to be entitled an act to incorporate Eno Grange, No. 134, Patrons of Husbandry.

S. R. No. 794: Resolution to appoint Dr. C. T. Murphy as one of the board of charities, &c.

The following bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

Resolution in relation to the salary of Judge McKay for the 4th district, 1874.

An act to amend chapter 121, private laws of 1873–'74.

An act to change the line of Pamlico county.

An act to amend chapter 71, section 6, of the private laws of 1873–'74.

The Senate adjourned until 7:30 P. M. to-day.

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## EVENING SESSION.

SENATE CHAMBER, March 5th, 1875.

The Senate met pursuant to adjournment, at 7:30 P. M.

Bills on second reading were acted upon as follows:

S. B. No. 290: A bill to be entitled an act in regard to compromises. The bill was read the second time.

The amendment proposed by the Committee on Judiciary was adopted, and the bill passed the second time.

The rules were suspended, and the bill was read and passed the third time, the yeas and nays being dispensed with by consent.

S. B. No. 275: A bill to be entitled an act to incorporate Kinston Lodge, No. 316, Free and Accepted Masons. The bill was read the second time.

Mr. Cantwell moved to amend by striking out "F. & A. M.," wherever it appears in the bill, and inserting in lieu thereof the words "Free and Accepted Masons."

The amendment prevailed, and the bill passed the second time.

The rules were suspended, and the bill was read and passed the third time, the yeas and nays being dispensed with by consent.

S. B. No. 711: A bill to be entitled an act concerning lot-

teries, and to prevent and punish the same. The bill was read the second time, and rejected.

S. B. No. 717: A bill to be entitled an act to incorporate the Wilmington and New River Steam Navigation Company.

The bill was read and passed the second time.

The rules were suspended, and the bill read and passed the third time, the yeas and nays being dispensed with by consent.

S. R. No. 399: Resolution in favor of Moses A. Bledsoe. The resolution was read.

Mr. Williamson moved to indefinitely postpone the resolution.

Mr. Marler called the previous question. The call was sustained, and the main question was ordered.

The question recurring on the adoption of the resolution, and the yeas and nays being required, the resolution was rejected. Yeas 6, nays 33.

*Affirmative*—Messrs. Busbee, Cantwell, McElroy, Morehead, Stickney and Waddell—6.

*Negative*—Messrs. Albright, Anderson, Boddie, Bryan, Cashwell, Clement, C. M. Cooke, N. S. Cook, French, Graham, Hargrave, Holton, Jenkins, Jernigan, Latham, LeGrand, Linney, Love, Mabson, Marler, McMillan, Parish, Paschall, Selby, Shaw, Sneed, Standford, Tucker, Walker, Waring, Williamson, Worthy and Young—33.

S. B. No. 483: A bill to be entitled an act for the establishment of a free ferry across Pamlico river, opposite the town of Washington.

On motion of Mr. Busbee, the bill was indefinitely postponed.

S. B. No. 657, H. B. No. 517: A bill to be entitled an act in regard to fishing in New Begun creek, Pasquotank county. The bill was read and passed the second time.

On motion, the rules were suspended, and the bill was read and passed the third time, the yeas and nays being dispensed with by consent.

S. B. No. 525, H. B. No. 263: A bill to be entitled an act to amend an act to amend and re-enact chapter 31, section 104,

of the Revised Code, concerning appeals from justices' courts. The bill was read and passed the second time.

S. B. No. 588, H. B. No. 326: A bill to be entitled an act to amend chapter 137, laws of 1873–'74.

The bill was read the second time, and, on motion, re-committed to the Committee on Propositions and Grievances.

S. B. No. 670: A bill to be entitled an act concerning salaries and fees.

The bill was read the second time, and, on motion, laid upon the table.

S. B. No. 592: A bill to be entitled an act to allow Catawba Springs township, Lincoln county, an additional justice of the peace. The bill was read and passed the second time.

On motion, the rules were suspended, and the bill was read and passed the third time, the yeas and nays being dispensed with by consent.

S. B. No. 629: A bill to be entitled an act to amend section 17, of chapter 2, of Battle's Revisal. The bill was read and passed the second time.

On motion, the rules were suspended, and the bill was read and passed the third time, the yeas and nays being dispensed with by consent.

S. B. No. 595: A bill to be entitled an act to charter the "Monroe and Lancaster Narrow Gauge Railroad." The bill was read and passed the second time.

On motion, the rules were suspended, and the bill was read and passed the third time, the yeas and nays being dispensed with by consent.

H. B. No. 456, S. B. No. 528: A bill to be entitled an act to restrict the fishing of pod nets in the Albemarle sound. The bill was read the second time.

The question recurring upon concurring in the amendment proposed by the House of Representatives, on motion, the bill was indefinitely postponed.

At 8 P. M. the Chair announced that the hour had arrived for the special order, to-wit:

S. B. No. 688: A bill to be entitled an act to provide another asylum for the insane of North Carolina.

On motion, the special order was postponed until S. R. No. 399, was disposed of.

Thereupon on motion, the special order was postponed until to-morrow at 12 M.

Mr. Shaw introduced a bill to be entitled an act to establish a new township in the county of Chowan, and for other purposes. Read and passed the first time, and referred to the Committee on Propositions and Grievances.

Mr. C. M. Cooke, from the Committee on Banks and Currency, reported H. B. No. 553, S. B. No. 804: A bill to be entitled an act to establish the City Bank of Wilmington, with a recommendation that the bill do pass with the accompanying amendments.

On motion, the rules were suspended, and the bill read the second time.

The amendment proposed by the Committee on Banks and Currency was adopted, and the bill passed the second time.

The bill was then read and passed the third time, the yeas and nays being dispensed with by consent.

Leave of absence was granted Mr. C. M. Cooke from and after to-morrow, until Monday week.

Mr. McMillan moved that Mr. Linney be granted leave of absence from and after next Thursday for an indefinite period. The yeas and nays being required, leave was granted. Yeas 32, nays 4.

*Affirmative*—Messrs. Albright, Anderson, Boddie, Bryan, Busbee, Clement, C. M. Cooke, N. S. Cook, French, Graham, Hargrave, Holton, Irwin, Jernigan, Latham, LeGrand, Mabson, Marler, McElroy, McMillan, Morehead, Parish, Paschall, Shaw, Sneed, Standford, Tucker, Waddell, Walker, Waring and Worthy—32.

*Negative*—Messrs. Love, McCauley, Mills and Williamson —4.

Mr. Albright was granted leave of absence until next Thursday.

The Senate adjourned until 10 A. M. to-morrow.

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## SEVENTY-SECOND DAY.

SENATE CHAMBER, March 6th, 1875.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

Reports from Standing Committees were submitted as follows:

From Committee on Claims:

By Mr. Williamson, S. R. No. 817: Resolution in favor of Sarah E. Wilder, executrix, with a recommendation that it do pass.

From Committee on Judiciary:

By Mr. Morehead, S. B. No. 811, H. B. No. 378: A bill to be entitled an act to amend chapter 120, section 1, laws of 1871–'72, with a recommendation that it do pass.

S. R. No. 830: Resolution concerning the Albemarle and Chesapeake Canal Company, with the statement that they find nothing therein in conflict with the Constitution.

By Mr. Latham, S. B. No. 649: A bill to be entitled an act to change the times of holding the courts in the first and second judicial districts, with accompanying substitute.

From Committee on Propositions and Grievances:

By Mr. Latham, S. B. No. 839: A bill to be entitled an act to establish a new township in the county of Chowan, and for other purposes, with a recommendation that it do pass.

S. B. No. 588, H. B. No. 326: A bill to be entitled an act

to amend chapter 137, laws of 1873–'74, with accompanying amendments.

S. B. No. 789, H. B. No. 679: A bill to be entitled an act to regulate the taking of fish in the waters of New river, in the county of Onslow, with a recommendation that the bill be referred to the Committee on Judiciary.

S. B. No. 800, H. B. No. 391: A bill to be entitled an act to change the dividing line between Craven and Pamlico counties, with a recommendation that it do pass.

S. B. No. 796, H. B. No. 418: A bill to be entitled an act to locate a county site in the county of Pamlico, with a recommendation that it do pass.

S. B. No. 790, H. B. No. 465: A bill to be entitled an act to authorize the county commissioners of Jackson to have a toll gate erected on a road known as the Tuckaseege and Keowee turnpike road, with a recommendation that it do pass.

S. B. No. 821: A bill to be entitled an act to prohibit the sale of spirituous liquors in three miles of Bethlehem and White Oak churches, in Bladen county, with a recommendation that it do pass.

S. B. No. 837: A bill to be entitled an act to amend an act to prohibit the sale of spirituous liquors in townships where the people so determine, with a recommendation that it do not pass.

S. B. No. 815, H. B. No. 388: A bill to be entitled an act for the protection of fisheries, with a recommendation that it do pass.

The following named bills and resolutions were introduced, read and disposed of, as follows:

By Mr. Graham: A bill to be entitled an act to prevent discrimination in freight tariffs by railroad companies operating in this State. To the Committee on Judiciary.

By Mr. Marler: Resolution to pay actual expenses of Committee on Western Insane Asylum. Read and placed on the calendar.

By Mr. Waring: A bill to be entitled an act to construe an

act passed at the session of 1872–'73, entitled an act in relation to fences, and for the better protection of crops. Placed on the calendar.

By Mr. McElroy: A bill to be entitled an act to incorporate the town of Weaversville, in Buncombe county. Placed on the calendar.

By Mr. Linney: Resolution of enquiry in reference to deposits made by the State Treasurer. Placed on the calendar.

By Mr. Mabson: Resolution in favor of a branch insane asylum of the State near Tarboro, Edgecombe county. To the Committee on Insane Asylum.

By Mr. Marler: Resolution on adjournment. Laid over under the rules.

By message from the House of Representatives, H. B. No. 547: A bill to be entitled an act to provide for the collection of taxes by the State and the several counties of the State on property, polls, &c., known as the "Machinery Act."

Ordered to be printed; and, on motion, made the special order for Monday, the 8th of March, at 7:30 P. M.

H. B. No. 359: A bill to be entitled an act to amend an act to lay off and establish a public road in the counties of Davie and Davidson. To the Committee on Internal Improvements.

H. B. No. 408: A bill to be entitled an act to allow the commissioners of Bladen county to levy a special tax. To the Committee on propositions and Grievances.

H. B. No. 577: A bill to be entitled an act to enable the mayor and commissioners of the town of Fayetteville to issue new bonds, in exchange for bonds issued by said mayor and commissioners, in payment of subscription for stock in the Western Railroad Company. To the Committee on Internal Improvements.

H. B. No. 703: A bill to be entitled an act to authorize the mayor and commissioners of Elizabeth City, in the county of Pasquotank, to levy a special tax. To the Committee on Propositions and Grievances.

H. R. No. 188: Resolution in favor of witnesses in the matter of J. William Thorne. To the Committee on Claims.

H. R. No. 180: Resolution in favor of J. H. Enniss. To the Committee on Claims.

Mr. Jenkins offered the following resolution:

"*Resolved, by the Senate of North Carolina,* That no Senator shall be allowed to occupy the floor more than ten (10) minutes on the same subject, except by consent of a majority of the Senators elect."

The resolution was read.

Mr. Love moved to lay it on the table.

The yeas and nays being required, it did not prevail. Yeas 7, nays 29.

*Affirmative*—Messrs. Bryan, French, Love, Marler, McElroy, Mills and Taylor—7.

*Negative*—Messrs. Albright, Anderson, Boddie, Cashwell, Clement, Graham, Hargrave, Holton, Jenkins, Jernigan, Kerr, Latham, LeGrand, Linney, Mabson, McCauley, McMillan, Morehead, Parish, Paschall, Selby, Shaw, Smith, Stickney, Tucker, Waddell, Walker, Williamson and Worthy—29.

The resolution was then adopted.

The Senate resumed the consideration of the unfinished business of yesterday, to wit: S. B. No. 428: A bill to be entitled an act to repeal sections 19 and 20, of chapter 65, of Battle's Revisal.

Mr. Jenkins moved to lay the bill on the table. The motion prevailed.

Bills were acted on, under a suspension of the rules, as follows:

S. B. No. 844: A bill to be entitled an act to construe an act passed at the session of 1872–'73, entitled an act in relation to fences, and for the better protection of crops. The bill was read and passed the second and third times, the yeas and nays being dispensed with by consent.

S. B. No. 811, H. B. No. 378: A bill to be entitled an act to amend chapter 120, section 1, laws of 1871-'72. The bill was read and passed the second and third times, the yeas and nays being dispensed with by consent.

S. B. No. 454: A bill to be entitled an act to provide additional accommodation for the insane of the State. Made the special order for to-day, at 12 M.

S. R. No. 847: Joint resolution of enquiry in reference to deposits made by the State Treasurer. Read and adopted.

Bills on third reading were acted upon as follows:

S. B. No. 827: A bill to be entitled an act to empower the commissioners of Cabarrus county to sell their present court house and jail lots, and to levy a special tax. The bill was read and passed the third time. Yeas 36, nays none.

*Affirmative*—Messrs. Albright, Anderson, Boddie, Bryan, Cashwell, Clement, N. S. Cook, French, Graham, Hargrave, Holton, Jenkins, Jernigan, Kerr, Latham, LeGrand, Love, Mabson, Marler, McCauley, McElroy, McMillan, Parish, Selby, Shaw, Smith, Sneed, Standford, Stickney, Taylor, Waddell, Walker, Waring, Williamson, Worthy and Young—36.

*Negative*—None.

S. B. No. 816: A bill to be entitled an act to authorize the commissioners of Washington county to levy a special tax to build a court house. The bill was read and passed the third time. Yeas 36, nays none.

*Affirmative*—Messrs. Albright, Anderson, Boddie, Cashwell, Clement, N. S. Cook, French, Graham, Hargrave, Holton, Jenkins, Jernigan, Kerr, Latham, LeGrand, Love, Mabson, Marler, McCauley, McElroy, McMillan, Parish, Selby, Shaw, Smith, Sneed, Standford, Stickney, Taylor, Waddell, Walker, Waring, Williamson, Worthy and Young—36.

*Negative*—None.

H. B. No. 674, S. B. No. 737: A bill to be entitled an act for the protection of birds in certain counties.

The question recurred on the motion to reconsider the vote by which the bill passed the third time.

The motion prevailed, and the bill was placed on the third reading calendar.

Bills on second reading were acted upon, as follows :

S. B. No. 315 : A bill to be entitled an act for the building and repairing of school houses in Craven county. The bill was read the second time, and, on motion of Mr. LeGrand, re-committed to the Committee on Education.

S. B. No. 407 : A bill to be entitled an act to amend section 52, chapter 87, Battle's Revisal. The bill was read and passed the second time.

The rules were suspended, and the bill read and passed the third time, the yeas and nays being dispensed with by consent.

H. B. No. 566, S. B. No. 695 : A bill to be entitled an act for the better protection of the Caldwell and Watauga Turnpike Company. The bill was read and passed the second time.

On motion, the rules were suspended, and the bill read and passed the third time, the yeas and nays being dispensed with by consent.

S. B. No. 718 : A bill to be entitled an act to amend subdivision 1, of the 30th section of the 119th chapter of Battle's Revisal, entitled wills and testaments.

On motion, indefinitely postponed.

S. B. No. 525 : A bill to be entitled an act to amend and re-enact chapter 31, section 104, of the Revised Code, concerning appeals from justices' courts. Re-committed to the Committee on Judiciary.

S. B. No. 732 : A bill to be entitled an act to amend section 6, chapter 105, Battle's Revisal, entitled "salaries and fees." The bill was read the second time.

Mr. French moved to amend by adding at the end of section 1, "or other unavoidable cause."

The amendment prevailed, and the bill passed the second time.

S. B. No. 770 : A bill to be entitled an act to authorize the commissioners of Northampton county to levy a special tax.

The bill was read and passed the second time. Yeas 33, nays none.

*Affirmative*—Messrs. Albright, Anderson, Boddie, Bryan, Clement, N. S. Cook, French, Hargrave, Irwin, Jenkins, Jernigan, Latham, LeGrand, Linney, Love, Mabson, Marler, McCauley, McMillan, Mills, Parish, Paschall, Peebles, Selby, Shaw, Smith, Sneed, Stickney, Waddell, Walker, Waring, Williamson and Worthy.

*Negative*—None.

S. B. No. 733: A bill to be entitled an act to authorize John J. Hasty, former sheriff of Union county, to collect arrears of taxes. Laid upon the table.

H. B. No. 303, S. B. No. 738: A bill to be entitled an act to define what interests in real estate may be sold under execution.

On motion, indefinitely postponed.

At 12 M. the Chair announced the special order for that hour, to-wit:

S. R. No. 712: Report of Committee and resolution on adjournment. The report and resolution were read.

Mr. Standford offered an amendment, in the nature of a substitute.

Mr. Morehead moved to postpone the resolution and make it the special order for 12 o'clock Wednesday next.

The yeas and nays being required, the motion did not prevail. Yeas 17, nays 22.

*Affirmative*—Messrs. French, Holton, Irwin, Jernigan, Kerr, Latham, Love, McCauley, McElroy, Mills, Morehead, Parish, Paschall, Smith, Tucker, Waddell and Young—17.

*Negative*—Messrs. Albright, Anderson, Boddie, Cashwell, Clement, N. S. Cook, Graham, Hargrave, Jenkins, LeGrand, Linney, Mabson, Marler, McMillan, Selby, Shaw, Sneed, Standford, Stickney, Walker, Williamson and Worthy—22.

The question recurring upon the adoption of the substitute, Mr. Jernigan moved to amend by striking out "*sine die*," and

insert " to meet at the call of the President of the Senate, and the Speaker of the House of Representatives."

Mr. French moved to postpone the further consideration of the resolution until Saturday the 13th instant, and make it the special order for 12 o'clock that day.

Mr. Marler called the previous question ; the call was sustained, and the main question ordered to be put.

The question recurring on the amendment to strike out and insert, and the yeas and nays being required, the amendment prevailed. Yeas 21, nays 16.

*Affirmative*—Messrs. Cashwell, French, Graham, Irwin, Jenkins, Jernigan, Kerr, Latham, Love, McCauley, McElroy, Parish, Paschall, Selby, Shaw, Smith, Standford, Taylor, Waddell, Worthy and Young—21.

*Negative*—Messrs. Anderson, Boddie, Clement, N. S. Cook, Hargrave, Holton, LeGrand, Linney, Mabson, Marler, McMillan, Mills, Morehead, Sneed, Stickney and Walker—16.

The question then recurring on the adoption of the substitute as amended, and the yeas and nays being required, it did not prevail. Yeas 18, nays 23.

*Affirmative*—Messrs. Anderson, Busbee, Cashwell, French, Graham, Hargrave, Irwin, Jenkins, Jernigan, Kerr, Latham, McCauley, McElroy, Parish, Shaw, Standford, Stickney and Waddell—18.

*Negative*—Messrs. Albright, Boddie, Clement, N. S. Cook, Holton, LeGrand, Linney, Love, Mabson, Marler, McMillan, Mills, Morehead, Paschall, Selby, Smith, Sneed, Taylor, Walker, Williamson, Worthy and Young—23.

The question then recurred upon the adoption of the original resolution.

The yeas and nays were required, and the resolution was rejected. Yeas 20, nays 22.

*Affirmative*—Messrs. Albright, Boddie, Busbee, Clement, N. S. Cook, Graham, Holton, Jenkins, Latham, LeGrand, Linney, Marler, McMillan, Morehead, Selby, Shaw, Sneed, Waddell, Williamson and Young—20.

*Negative*—Messrs. Anderson, Bryan, Cashwell, French, Hargrave, Irwin, Jernigan, Kerr, Love, Mabson, McCauley, McElroy, Mills, Parish, Paschall, Smith, Standford, Stickney, Taylor, Tucker, Walker and Worthy—22.

The following named bills, amendments and resolutions, reported as correctly engrossed by the Committee on Engrossed bills, were transmitted to the House of Representatives for concurrence:

S. B. No. 660: A bill to be entitled an act to incorporate the Snow Hill Branch Railroad Company.

S. B. No. 532: A bill to be entitled an act to prevent trespasses on real estate in certain cases.

S. B. No. 816: A bill to be entitled an act to authorize the commissioners of Washington county to levy a special tax for the purpose of building a court house.

Senate amendments to S. B. No. 408, H. B. No. 553: A bill to be entitled an act to establish the City Bank of Wilmington.

The following bills and resolutions reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

An act to authorize the board of county commissioners of Stanly county to subscribe to the capital stock of the Yadkin Railroad Company.

At 12:30 P. M., the Chair announced that the hour had arrived for the special order, to-wit:

S. B. No. 688: A bill to be entitled an act to provide another asylum for the insane of North Carolina, and S. B. No. 454: A bill to be entitled an act to establish the Western Insane Asylum of North Carolina at Asheville.

The Senate proceeded to the consideration of S. B. No. 688.

The bill was read the second time.

The question recurred on the amendment by the Committee on Insane Asylum.

Pending its consideration, by unanimous leave, Mr. Standford offered the following resolution:

"*Resolved*, That the Committee on Insane Asylum be instructed to report a bill immediately, locating an asylum at ———, in North Carolina."

On motion, the special order was postponed until this resolution was disposed of, and the Senate resumed the consideration of the resolution.

Mr. Busbee moved that the Senate do now proceed to the selection of a location for the proposed Insane Asylum, and that the vote be taken *viva voce*. The motion prevailed.

Thereupon the following nominations were made :

Elizabeth City, by Mr. Shaw ;

Morganton, by Mr. Mills ;

Statesville, by Mr. Linney ;

Asheville, by Mr. Love ;

Raleigh, by Mr. Busbee ;

Hickory, by Mr. Graham ;

Newbern, by Mr. Tucker ;

Tarboro', by Mr. Mabson ;

High Point, by Mr. Morehead.

Mr. French moved that the Senate do now adjourn until 7:30 P. M. to-day.

Mr. Graham moved to strike out "7:30 P. M. to-day," and insert "10 A. M. Monday."

The yeas and nays being required, the amendment did not prevail. Yeas 12, nays 28.

*Affirmative*—Messrs. Graham, Holton, Love, Mills, Morehead, Paschall, Standford, Stickney, Taylor, Tucker, Waring and Young—12.

*Negative*—Mr. President, Messrs. Albright, Boddie, Busbee, Cashwell, Clement, N. S. Cook, French, Hargrave, Irwin, Jenkins, Latham, LeGrand, Linney, Mabson, Marler, McCauley, McElroy, McMillan, Parish, Peebles, Selby, Smith, Sneed, Waddell, Walker, Williamson and Worthy—28.

The question recurring on the motion to adjourn, and the

yeas and nays being required, the motion prevailed. Yeas 26, nays 18.

*Affirmative*—Mr. President, Messrs. Albright, Anderson, Boddie, Busbee, Cashwell, Clement, N. S. Cook, French, Hargrave, Holton, Irwin, Jenkins, Jernigan, Latham, Linney, Marler, McMillan, Parish, Peebles, Selby, Standford, Stickney, Walker, Williamson and Worthy—26.

*Negative*—Messrs. Bryan, Graham, Kerr, LeGrand, Love, Mabson, McCauley, McElroy, Mills, Morehead, Paschall, Smith, Sneed, Taylor, Tucker, Waddell, Waring and Young —18.

Thereupon, the Senate stood adjourned until 7:30 P. M., to-day.

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## EVENING SESSION.

SENATE CHAMBER, March 6th, 1875.

The Senate met pursuant to adjournment, at 7:30 o'clock P. M., Mr. Latham in the chair.

The Senate resumed the consideration of the unfinished business of the morning, to wit: S. R. No. —: Resolution on Insane Asylum.

The question recurring on the filling of the blank in said resolution, Mr. LeGrand moved to insert Rockingham, Richmond county.

Mr. Cashwell nominated Abbottsburg, Bladen county.

Thereupon, the Senate proceeded to vote on the several places nominated, with the following results:

*First Vote*—Elizabeth City received one vote; Morganton, 11; Statesville, 5; Asheville, 9; Raleigh, 8; Hickory, 3; Newbern, 1; High Point, 1; Abbottsburg, 3. Whole number of votes cast, 42; necessary to a choice, 22.

*Second Vote*—Morganton received 11 votes; Statesville, 7;

Asheville, 11; Raleigh, 9; Hickory, 2. Whole number of votes cast, 39; necessary to a choice, 20.

*Third Vote*—Morganton received 11 votes; Statesville, 8; Asheville, 15; Raleigh, 4; Hickory 4. Whole number of votes cast, 42; necessary to a choice, 22.

*Fourth Vote*—Morganton received 14 votes; Statesville, 11; Asheville, 12; Hickory, 4; whole number, 41; necessary to a choice, 21.

*Fifth Vote*—Morganton received 16 votes; Statesville, 10; Asheville, 11; Hickory, 2; whole number, 39; necessaay to a choice, 20.

*Sixth Vote*—Morganton received 13 votes; Statesville, 10; Asheville, 14; Hickory 1; whole number, 38; necessary to a choice, 20.

*Seventh Vote*—Morganton received 16 votes; Statesville, 5; Asheville, 14; Raleigh, 2; Hickory, 2; Tarboro' 1; whole number 40; necessary to a choice, 21.

*Eighth Vote*—Morganton received 16 votes; Statesville, 3; Asheville, 13; Raleigh, 1; Hickory, 5; Rockingham, 1; whole number, 39; necessary to a choice, 20.

*Ninth Vote*—Morganton received 16 votes; Statesville, 6; Asheville, 14; Hickory, 2; Abbottsburg, 1; whole number, 39; necessary to a choice, 20.

*Tenth Vote*—Morganton received 18 votes; Statesville, 5; Asheville, 15; Hickory, 1; whole number, 39; necessary to a choice, 20.

*Eleventh Vote*—Morganton received 17 votes; Statesville 4; Asheville 17; Hickory 1; whole number 39; necessary to a choice 20.

*Twelfth Vote*—Morganton received 20 votes; Statesville 5; Asheville 15; Hickory 1; whole number 41; necessary to a choice 21.

*Thirteenth Vote*—Morganton received 16 votes; Asheville 18; Raleigh 1; Hickory 7; whole number 42; necessary to a choice 22.

*Fourteenth Vote*—Morganton received 19 votes; Statesville

1; Asheville 17; Hickory 1; whole number 38; necessary to a choice 20.

*Fifteenth Vote*—Morganton received 20 votes; Statesville 3; Asheville 18; Raleigh 1; whole number 42; necessary to a choice 22.

*Sixteenth Vote*—Morganton received 19 votes; Statesville 6; Asheville 16; whole number 41; necessary to a choice 21.

Thereupon the Senate, on motion, adjourned until Monday 10 A. M.

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## SEVENTY-THIRD DAY.

SENATE CHAMBER, March 8th, 1875.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Atkinson.

The Journal of yesterday was read.

A message was received from his Excellency the Governor of North Carolina, transmitting a communication from Thomas Foulke, of New York city, concerning the public debt.

The communication was read, and on motion of Mr. Jernigan, laid upon the table.

On motion, H. B. No. 527, S. B. No. 801: A bill to be entitled an act for the relief of Mike Woods, of Wayne county, was re-committed to the Committee on Propositions and Grievances.

Reports from Standing Committees were submitted as follows:

From Committee on Judiciary:

By Mr. Graham, S. B. No. 624: A bill to be entitled an act concerning fire companies, &c., with a recommendation that it do not pass.

From Committee on Deaf and Dumb and Blind Asylum:

By Mr. Busbee, S. R. No. 503, H. R. No. 126: Resolution as to vacant lot in the city of Raleigh belonging to the State, with a recommendation that it do pass.

From Committee on Internal Improvements:

By Mr. Waring, S. B. No. 834, H. B. No. 541: A bill to be entitled an act in relation to the Western North Carolina Railroad, with a recommendation that it do pass.

On motion, the bill was made the special order for to-day at 11:30 A. M.

From Committee on Education.

By Mr. Bell, S. R. No. 716: Resolution petitioning Congress in favor of the Southern Methodist Publishing House, with a recommendation that it do pass.

S. B. No. 315: A bill to be entitled an act for the building and repairing of school houses in Craven county, with accompanying substitute.

S. B. No. 668, H. B. No. 87: A bill to be entitled an act to amend chapter 90, section 21, laws of 1872–'73, as brought forward in Battle's Revisal, chapter 68, section 47, with a recommendation that it do pass.

From Committee on Corporations:

By Mr. Busbee, S. B. No. 281: A bill to be entitled an act for the better government and regulation of the city of Wilmington and for other purposes, with accompanying amendment.

S. B. No. 778, H. B. No. 415: A bill to be entitled an act to incorporate the Western North Carolina Land and Colonization Company, with accompanying amendments.

S. B. No. 617, H. B. No. 455: A bill to be entitled an act to incorporate the "Shaw University," with accompanying amendments.

S. B. No. 721: A bill to be entitled an act to amend the charter of Hillsboro, with a recommendation that it do not pass.

From Committee on Internal Improvements:

By Mr. LeGrand, S. B. No. 703: A bill to be entitled an act to facilitate the construction of telegraph lines, with a recommendation that it do pass.

The following named bills and resolutions were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows:

By Mr. Stickney: A bill to be entitled an act to authorize the county commissioners of Pitt county to sell and make title to the county jail and land on which it is situated, and for other purposes. To the Committee on Propositions and Grievances.

By Mr. Cantwell: A bill to be entitled an act concerning proceedings in bastardy. To the Committee on Judiciary.

By Mr. Worthy: A bill to be entitled an act to prohibit the hunting of wild game by fire-light in Moore county. To the Committee on Propositions and Grievances.

By Mr. Linney: Resolution in reference to an executive session. Read and adopted.

By message from the House of Representatives, H. B. No. 524: A bill to be entitled an act to amend the charter of the town of Winston for the purpose of establishing graded schools. To the Committee on Corporations.

H. B. No. 797: A bill to be entitled an act in relation to cities and towns. To the Committee on Judiciary.

The Senate resumed the consideration of the unfinished business of Saturday, to-wit, S. R. No. 859: Resolution on Insane Asylum.

The question recurred on the motion to insert the name of a place for the location of the Western Insane Asylum; and the Senate proceeded to vote thereon, as follows:

*Seventeenth Vote*—Morganton received 17 votes; Ashville, 16; Raleigh, 1; Hickory, 4; High Point, 2; Abbottsburg, 1; whole number of votes cast, 41; necessary to a choice, 21.

*Eighteenth Vote*—Morganton received 17 votes; Asheville, 18; Raleigh, 1; Hickory, 5; whole number of votes cast, 41; necessary to a choice, 21.

*Nineteenth Vote*—Morganton received 15 votes; Asheville,

20; Raleigh 1, Hickory, 5; Winston, 1; Charlotte, 2; Elizabeth City, 1. Whole number of votes cast, 45; necessary to a choice, 23.

Mr. Stickney moved that the resolution be laid upon the table. The motion did not prevail, and the Senate proceeded to the twentieth vote, which resulted as follows:

Morganton received 26 votes; Statesville, 1; Asheville, 17; Charlotte, 1. Whole number of votes cast, 45; necessary to a choice, 23.

Thereupon the Chair declared that the motion to insert Morganton to fill the blank in the resolution, had prevailed, Morganton receiving a majority of all the votes cast.

The original resolutions as thus amended, was then adopted, and the Senate resumed the consideration of S. B. No. 688: A bill to be entitled an act to provide another asylum for the insane of North Carolina, it being the special order for that hour.

The question recurred on the adoption of the amendments proposed by the Committee on Insane Asylum.

Mr. Love moved to amend by inserting "not less than" before "one hundred" in the 11th line, and it prevailed.

Mr. Cantwell moved to amend by striking out "exact" in the 19th line, and inserting "itemized," and it prevailed.

Mr. Love moved to amend by striking out the words "at or near" before "Morganton" and insert the words "three miles," and it prevailed.

The committee's amendment, as amended, was then adopted.

The question recurring on the passage of the bill on its third reading, Mr. Williamson moved to strike out Thomas G. Walton and insert John W. Cunningham. The amendment was rejected.

Mr. McElroy moved to postpone the further consideration of the bill, and make it the special order for to-morrow at 11 A. M. The motion did not prevail.

Mr. Love moved to amend by inserting after the word "Morganton," the words "or Asheville, N. C.," and demanded the yeas and nays.

The call was not sustained, and the amendment did not prevail.

Mr. McElroy moved to postpone the further consideration of the bill, and make it the special order for to-morrow at 12 M. The motion did not prevail.

Mr. Love moved to postpone and make the special order for to-day at 7:30 P. M. The motion did not prevail.

Mr. Parish moved to amend by striking out $200,000 and insert $50,000.

Mr. Tucker moved to amend the bill by striking out $200,000 and inserting $100,000.

A division of the question being required, the question recurred first on the motion to strike out $200,000.

The yeas and nays being required, the motion to strike out did not prevail. Yeas 18, nays 21.

*Affirmative*—Messrs. Boddie, Cashwell, Hargrave, Holton, Jernigan, Latham, LeGrand, Linney, McCauley, Morehead, Parish, Paschall, Pegram, Selby, Shaw, Sneed, Tucker and Waring—18.

*Negative*—Messrs. Anderson, Bell, Busbee, Cantwell, Clement, N. S. Cook, French, Graham, Irwin, Jenkins, Love, Marler, McElroy, McMillan, Mills, Smith, Standford, Taylor, Walker, Worthy and Young—21.

The question then recurred on the passage of the bill on its second reading.

The yeas and nays being required, the bill passed the second time. Yeas 22, nays 21.

*Affirmative*—Messrs. Anderson, Bell, Busbee, Cantwell, Clement, N. S. Cook, French, Graham, Irwin, Jenkins, Linney, Love, Marler, McElroy, McMillan, Mills, Smith, Standford, Taylor, Walker, Worthy and Young—22.

*Negative*—Messrs. Boddie, Cashwell, Hargrave, Holton, Jernigan, Latham, LeGrand, Mabson, Morehead, Parish, Paschall, Peebles, Pegram, Selby, Shaw, Sneed, Stickney, Tucker, Waddell, Waring and Williamson—21.

Mr. Irwin moved to suspend the rules, and put the bill on final passage. The motion did not prevail.

Bills on third reading were acted upon as follows:

S. B. No. 732: A bill to be entitled an act to amend section 6, chapter 105, Battle's Revisal, entitled "Salaries and Fees."

The bill was read and passed the third time, the yeas and nays being dispensed with by consent.

S. B. No. 774: A bill to be entitled an act to authorize the commissioners of Northampton county to levy a special tax.

The bill was read and passed the third time. Yeas 39, nays none:

*Affirmative*—Messrs. Anderson, Bell, Boddie, Busbee, Cantwell, Cashwell, Clement, N. S. Cook, French, Graham, Hargrave, Holton, Irwin, Jenkins, Jernigan, Latham, Le Grand, Linney, Love, Mabson, Marler, McCauley, McElroy, McMillan, Mills, Parish, Paschall, Pegram, Shaw, Smith, Sneed, Taylor, Tucker, Waddell, Walker, Waring, Williamson, Worthy and Young—39.

*Negative*—None.

H. B. No. 674, S. B. No. 737: A bill to be entitled an act for the protection of birds in the counties of Davidson, Randolph, Rowan, Anson, Warren, Guilford and Edgecombe. The bill was read third time.

Mr. Busbee moved to amend by adding the county of Edgecombe.

The yeas and nays being required, the amendment did not prevail. Yeas 19, nays 21:

*Affirmative*—Messrs. Anderson, Bell, Boddie, Busbee, Clement, French, Graham, Irwin, Jenkins, Jernigan, Morehead, Parish, Selby, Shaw, Smith, Standford, Stickney, Waddell and Waring—19.

*Negative*—Messrs. Bryan, Cantwell, Cashwell, Holton, Latham, LeGrand, Linney, Love, Mabson, Marler, McCauley, McElroy, McMillan, Paschall, Peebles, Sneed, Taylor, Tucker, Walker, Williamson and Worthy—21.

Mr. Irwin moved to amend by inserting Caswell and Rockingham. The amendment prevailed.

Mr. Paschall offered an amendment, which was rejected.

The bill then passed the third time, the yeas and nays being dispensed with by consent.

Bills on second reading were acted upon as follows:

S. B. No. 588, H. B. No. 326: A bill to be entitled an act to amend chapter 137, laws of 1873–'74. The bill was read the second time.

The amendment proposed by the Committee on Propositions and Grievances was adopted, and the bill passed the second time.

On motion, the rules were suspended, and the bill was read and passed the third time, the yeas and nays being dispensed with by consent.

S. B. No. 741, H. B. No. 284: A bill to be entitled an act to incorporate the town of Rose Hill, in the county of Duplin. The bill was read and passed the second time.

On motion, the rules were suspended, and the bill was read and passed the third time, the yeas and nays being dispensed with by consent.

S. B. No. 777, H. B. No. 365: A bill to be entitled an act for the relief of the sheriffs of Iredell, Alexander and Surry counties. The bill was read the second time and rejected.

The consideration of resolutions being in order, S. R. No. 841: Resolution to pay actual expenses of committee on Western Insane Asylum, was read and adopted.

S. R. No. 842: Resolution on adjournment. The resolution was read.

Mr. Anderson moved to amend by striking out "sine die" and inserting "subject to the call of the Speaker of the House and President of the Senate."

Mr. Parish offered an amendment to the amendment proposed by Mr. Anderson.

Pending the consideration of this amendment, Mr. Cantwell moved to postpone the further consideration of the resolution

and make it the special order for 12 M. Wednesday, March 10th. The motion to postpone prevailed.

Special orders were acted on as follows :

H. B. No. 541, S. B. No. 834: A bill to be entitled an act in relation to the Western North Carolina Railroad. The bill was read the second time.

The yeas and nays being required, the bill passed the second time. Yeas 30, nays 11.

*Affirmative*—Messrs. Anderson, Bell, Busbee, Cantwell, Cashwell, Clement, French, Graham, Hargrave, Irwin, Jenkins, Jernigan, LeGrand, Linney, Love, Mabson, McCauley, McElroy, McMillan, Mills, Morehead, Paschall, Pegram, Standford, Stickney, Taylor, Walker, Waring, Worthy and Young—30.

*Negative*—Messrs. Boddie, Bryan, Holton, Latham, Marler, Peebles, Selby, Smith, Sneed, Tucker and Williamson—11.

On motion, the bill was then made the special order for tomorrow at 11 A. M.

S. B. No. 684: A bill to be entitled an act to prevent retailers of spirituous liquors from taking personal property in payment for or in pledge to secure the payment of the same.

Postponed and made the special or 7:30 P. M. Wednesday.

S. B. No. 829: A bill to be entitled an act to authorize the hire of convict labor in or outside of State's prison, and to regulate the same.

On motion, postponed and made the special order for tomorrow at 12:30 P. M.

S. B. No. 172: A bill to be entitled an act requiring security from certain corporations, and for other purposes.

On motion, postponed and made the special order for tomorrow at 1 P. M.

S. B. No. 686: A bill to be entitled an act to amend an act entitled an act to amend the charter of the North Carolina Railroad Company, and for other purposes therein mentioned, ratified 10th day of February, 1874.

Postponed and made the special order for 12 M. Wednesday.

Bills and resolutions were acted on, under a suspension of the rules, as follows:

S. B. No. 756: A bill to be entitled an act to incorporate the Fayetteville and Goldsboro' Railway Company. On motion, re-committed.

H. R. No. 180, S. R. No. 849: Resolution in favor of J. H. Enniss. Read and adopted.

Mr. Graham moved to reconsider the vote by which H. B. No. 365, S. B. No. 777, was rejected on its second reading. The motion prevailed.

The following named bills, amendments and resolutions, reported as correctly engrossed by the Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence:

S. B. No. 827: A bill to be entitled an act to empower the commissioners of Cabarrus county to sell their present court house and jail lots, and to levy a special tax.

S. B. No. 717: A bill to be entitled an act to incorporate the Wilmington and New River Steam Navigation Company.

S. B. No. 275: A bill to be entitled an act to incorporate Kinston Lodge, No. 316, Free and Accepted Masons.

S. B. No. 825: A bill to be entitled an act to incorporate the town of Ore Knob, in Ashe county.

S. B. No. 290: A bill to be entitled an act in regard to compromises.

S. B. No. 592: A bill to be entitled an act to allow Catawba Springs township, Lincoln county, an additional justice of the peace.

S. B. No. 629: A bill to be entitled an act to amend section 16, of chapter 2, of Battle's Revisal.

S. B. No. 844: A bill to be entitled an act to construe an act passed at the session of 1872–'73, entitled "an act in relation to fences, and for the better protection of crops."

The following bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State.

An act to amend the charter of the city of Greensboro'.

An act supplemental to an act to change the times of holding certain courts in the Eleventh Judicial District.

An act to amend an act entitled an act to charter the Carolina Narrow Gauge Railroad, ratified the 8th February, 1875.

An act to punish the burning grain and other products secured in stacks or otherwise out of doors.

An act in regard to fishing in New Begun creek, Pasquotank county.

The Senate adjourned until 7:30 P. M. to-day.

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## EVENING SESSION.

SENATE CHAMBER, March 8th, 1875.

The Senate met pursuant to adjournment at 7:30 P. M.

Bills on second reading were acted upon as follows:

S. B. No. 749: A bill to be entitled an act to require the officers of the various counties to make reports of all moneys which may come into their hands.

The bill was read and passed the second time, and, on motion, was made the special order for Wednesday next, at 8 P. M.

Mr. Marler moved to reconsider the vote by which S. B. No. 737, H. B. No. 674: A bill to be entitled an act for the protection of birds in the counties of Davidson, Randolph, Rowan, Anson, Warren, Guilford and Edgecombe, passed its final reading.

The motion to reconsider was placed on the calender.

The Chair announced that the hour had arrived for the special order, to-wit, S. B. No. 840, H. B. No. 547: A bill to be entitled an act to provide for the collection of taxes by the State and the several counties of the State on property, polls, &c., known as the machinery act. The bill was read the second time.

Mr. Cantwell moved to amend by striking out in section 9,

line 58, "purchase," and insert "occupation." The amendment prevailed.

Mr. Stickney moved to amend by striking out in section 16, line 3, "first" and insert "third," before the word Monday. The amendment prevailed.

Mr. Mabson moved to amend section 29, line 55, by striking out the word "his" and inserting "its," as it was an obvious mistake. The amendment prevailed.

Mr. Linney proposed to amend by inserting after the word "deed," in line 3, section 33, the words "in fee to the purchaser, and, if the purchaser is dead, to his heirs at law or assigns." The amendment prevailed.

The question recurring upon the passage of the bill, as amended, on its second reading, the bill passed the second time. Yeas 35, nays 8:

*Affirmative*—Messrs. Andersont, Bell, Boddie, Busbee, Cantwell, Cashwell, Clement, N. S. Cook, French, Graham, Hargrave, Irwin, Jenkins, Jernigan, Kerr, Linney, Love, Marler, McCauley, McElroy, McMillan, Morehead, Parish, Pegram, Selby, Shaw, Smith, Standford, Stickney, Waddell, Walker, Waring, Williamson, Worthy and Young—35.

*Negative*—Messrs. Bryan, Holton, Latham, LeGrand, Mabson, Paschall, Sneed and Tucker—8.

Mr. Standford moved that the further consideration of the bill be made the special order for to-morrow at 11 A. M.

Mr. Love moved to amend that motion by making the bill the special order for to-morrow at 12 M.

The question recurring upon the motion to make the bill the special order for 12 M., it did not prevail.

The question then recurring upon the motion to make the bill the special order for 11 A. M., the motion prevailed.

Mr. Waring, from the Committee on Internal Improvements, reported S. B. No. 756, H. B. No. 439: A bill to be entitled an act to incorporate the Fayetteville and Goldsboro Railway Company, with a recommendation that it do pass.

On motion, the Senate adjourned until 11 A. M., to-morrow.

## SEVENTY-FOURTH DAY.

SENATE CHAMBER, March 9th, 1875.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Marshall.

The Journal of yesterday was read.

The Chair announced that the hour had arrived for the special order, to-wit:

S. B. No. 840, H. B. No. 547: A bill to be entitled an act to provide for the collection of taxes by the State and the several counties of the State on property, polls, &c., known as the machinery act. The bill was read the third time.

Mr. Tucker offered the following amendment:

Add to section 12, as another sub-section, the words: *Provided*, Property to the amount not exceeding three hundred dollars to be selected by the owner."

The yeas and nays being required, the amendment did not prevail. Yeas 19, nays 25.

*Affirmative*—Messrs. Bell, Bryan, Busbee, Cantwell, Cashwell, N. S. Cook, Holton, LeGrand, Linney, Love, Mabson, McElroy, McMillan, Mills, Paschall, Sneed, Tucker, Walker and Young—19.

*Negative*—Messrs. Anderson, Boddie, Clement, French, Graham, Hargrave, Irwin, Jenkins, Jernigan, Kerr, Latham, Marler, McCauley, Morehead, Parish, Pegram, Selby, Shaw, Smith, Standford, Stickney, Taylor, Waddell, Waring and Worthy—25.

Mr. Marler offered to amend by adding after the word "fairs," on page 9, sub-division 4, the following:

"5. Any kind of personal property not exceeding in the aggregate value of $75.00: *Provided*, That the exemption from taxation shall not exceed fifty dollars in favor of any individual tax payer."

Mr. Mills moved to amend the amendment offered by Mr. Marler by striking out "$75.00" and inserting "$60.00" in lieu thereof.

Mr. Latham moved the previous question, and the main question was ordered.

The question recurring upon the amendment to the amendment, the yeas and nays were required, and the amendment did not prevail. Yeas 16, nays 26.

*Affirmative*—Messrs. Bell, Bryan, Cashwell, Irwin, Jenkins, McCauley, Mills, Morehead, Selby, Shaw, Standford, Stickney, Tucker, Walker, Williamson and Worthy—16.

*Negative*—Messrs. Anderson, Boddie, Cantwell, Clement, N. S. Cook, French, Graham, Hargrave, Holton, Jernigan, Kerr, Latham, LeGrand, Linney, Love, Mabson, Marler, McElroy, McMillan, Parish, Paschall, Pegram, Smith, Sneed, Taylor and Young—26.

The question then recurring upon the amendment proposed by Mr. Marler, the yeas and nays were required, and the amendment did not prevail. Yeas 19, nays 25:

*Affirmative*—Messrs. Bell, Busbee, Cantwell, Cashwell, Holton, Jenkins, LeGrand, Linney, Love, Mabson, Marler, McElroy, Mills, Paschall, Selby, Sneed, Tucker, Walker and Young—19.

*Negative*—Messrs. Anderson, Boddie, Clement, N. S. Cook, French, Graham, Hargrave, Irwin, Jernigan, Kerr, Latham, McCauley, McMillan, Morehead, Parish, Pegram, Shaw, Smith, Standford, Stickney, Taylor, Waddell, Waring, Williamson and Worthy—25.

1 The question then recurring upon the passage of the bill upon its third reading, the bill passed the third time. Yeas 27, nays 17:

*Affirmative*—Messrs. Anderson, Boddie, Clement, French, Graham, Hargrave, Irwin, Jenkins, Jernigan, Kerr, Latham, Marler, McCauley, McMillan, Mills, Morehead, Pegram, Shaw, Smith, Standford, Stickney, Taylor, Waddell, Walker, Waring, Williamson and Worthy—27.

*Negative*—Messrs. Bell, Bryan, Cantwell, Cashwell, N. S.

Cook, Holton, LeGrand, Linney, Love, Mabson, McElroy, Parish, Paschall, Selby, Tucker and Young—17.

Mr. Mills moved to reconsider the vote just had.

Mr. Anderson moved to lay that motion on the table.

The yeas and nays being required, the motion to table did not prevail. Yeas 21, nays 22.

*Affirmative*—Messrs. Anderson, Boddie, Clement, French, Graham, Hargrave, Irwin, Jenkins, Jernigan, Kerr, Latham, McCauley, Pegram, Shaw, Smith, Standford, Stickney, Waddell, Waring, Williamson and Worthy—21.

*Negative*—Messrs. Bell, Bryan, Cantwell, Cashwell, N. S. Cook, LeGrand, Linney, Love, Mabson, Marler, McElroy, McMillan, Mills, Morehead, Parish, Paschall, Selby, Sneed, Taylor, Tucker, Walker and Young—22.

The question then recurring upon the motion to reconsider, the yeas and nays were required, and the motion prevailed. Yeas 28, nays 14.

*Affirmative*—Messrs. Bell, Busbee, Cantwell, Cashwell, N. S. Cook, Hargrave, Holton, Jenkins, LeGrand, Linney, Love, Mabson, Marler, McElroy, McMillan, Mills, Morehead, Parish, Paschall, Selby, Smith, Sneed, Stickney, Taylor, Tucker, Waddell, Walker and Young—28.

*Negative*—Messrs. Anderson, Boddie, Clement, French, Irwin, Jernigan, Kerr, Latham, McCauley, Pegram, Shaw, Standford, Waring and Worthy—14.

Mr. Morehead proposed to amend by adding to section 12, as an additional sub-section:

"5. Twenty-five dollars personal property of each individual tax payer."

Mr. LeGrand moved to amend the amendment proposed by Mr. Morehead by striking out $25.00 and inserting $50.10.

Mr. Jenkins moved the previous question, and the main question was ordered.

The question recurring upon the amendment proposed by

Mr. LeGrand the amendment did not prevail. Yeas 21, nays 23.

*Affirmative*—Messrs. Bell, Bryan, Busbee, Cantwell, N. S. Cook, Holton, Jenkins, LeGrand, Linney, Love, Mabson, Mc Elroy, Mills, Parish, Paschall, Sneed, Taylor, Tucker, Waddell, Walker and Young—21.

*Negative*—Messrs. Anderson, Boddie, Cashwell, Clement, French, Graham, Hargrave, Irwin, Jernigan, Kerr, Latham, McCauley, McMillan, Morehead, Pegram, Selby, Shaw, Smith, Standford, Stickney, Waring, Williamson and Worthy—23.

The question then recurred upon the amendment proposed by Mr. Morehead.

The yeas and nays being required, the amendment was adopted. Yeas 33, nays 12.

*Affirmative*—Messrs. Bell, Boddie, Bryan, Busbee, Cantwell, Cashwell, Clement, N. S. Cook, French, Graham, Hargrave, Holton, Jenkins, LeGrand, Linney, Love, Mabson, Marler, McElroy, Mills, Morehead, Parish, Paschall, Pegram, Selby, Sneed, Stickney, Taylor, Tucker, Waddell, Walker, Waring and Young—33.

*Negative*—Messrs. Anderson, Irwin, Jernigan, Kerr, Latham, McCauley, McMillan, Shaw, Smith, Standford, Williamson and Worthy—12.

The question then recurring upon the passage of the bill, as amended, the bill passed the third time. Yeas 28, nays 16.

*Affirmative*—Messrs. Anderson, Bell, Boddie, Busbee, Cashwell, Clement, French, Graham, Hargrave, Irwin, Jenkins, Jernigan, Linney, Marler, McCauley, Mills, Morehead, Selby, Shaw, Smith, Standford, Stickney, Waddell, Walker, Waring, Williamson, Worthy and Young—28.

*Negative*—Messrs. Bryan, Cantwell, N. S. Cook, Holton, Kerr, Latham, LeGrand, Love, McElroy, McMillan, Parish, Paschall, Sneed, Taylor and Tucker—16.

A bill was acted upon, under a suspension of the rules, as follows :

S. B. No. 581 : A bill to be entitled an act to incorporate

the Mecklenburg Centennial Association. The bill was read the third time.

Mr. Waring proposed an amendment, in the nature of a substitute, which was adopted.

The bill, as amended, then passed the third time, the yeas and nays being dispensed with by consent.

On motion of Mr. Graham, the consideration of S. B. No. 834, H. B. No. 541: A bill to be entitled an act in relation to the Western North Carolina Railroad, was made the special order for to-morrow at 11 A. M.

On motion of Mr. Marler, the consideration of S. B. No. 829: A bill to be entitled an act to authorize the hire of convict labor in or outside of the State's Prison, and to regulate the same, was made the special order for to-morrow at 12 M.

On motion of Mr. Standford, the consideration of S. B. No. 756, H. B. No. 439: A bill to be entitled an act to incorporate the Fayetteville and Goldsboro' Railway Company, was made the special order for to-morrow at 1 P. M.

Reports from Standing Committees were submitted as follows:

From Committee on Judiciary:

By Mr. Shaw, S. B. No. 610: A bill to be entitled an act concerning corporations, with a recommendation that it do not pass.

S. B. No. 771: A bill to be entitled an act to amend section 12, chapter 63, of Battle's Revisal, with a recommendation that it do pass.

H. B. No. 469, S. B. No. 812: A bill to be entitled an act in regard to suits by and against the State Treasurer, with a recommendation that it do pass.

By Mr. McElroy, S. B. No. 822: A bill to be entitled an act to extend the jurisdiction of magistrates, with a recommendation that it do not pass.

H. B. No. 737, S. B. No. 797: A bill to be entitled an act to amend chapter 50, laws of 1868–'69, as brought forward in Battle's Revisal, chapter 16, with accompanying amendment.

By Mr. Latham, H. B. No. 414, S. B. No. 798: A bill to be entitled an act to amend chapter 118, Battle's Revisal, with a recommendation that it do pass.

S. B. No. 734: A bill to be entitled an act to require sheriffs to advertise their sales in the county newspapers, and for other purposes, with a recommendation that the bill do not pass.

H. B. No. 385, S. B. No. 802: A bill to be entitled an act in relation to the registration of deeds and other papers in certain cases, with a recommendation that the bill do pass.

H. B. No. 382, S. B. No. 810: A bill to be entitled an act to amend chapter 120, section 1, Battle's Revisal, with a recommendation that it do pass.

By Mr. Jernigan, H. B. No. 312, S. B. No. 735: A bill to be entitled an act to punish breaking into an uninhabited house with intent to commit a felony, with a recommendation that it do pass.

S. B. No. 763: A bill to be entitled an act to amend section 9, chapter 65, Battle's Revisal, with a recommendation that it do not pass.

H. B. No. 464, S. B. No. 795: A bill to be entitled an act to amend section 1, chapter 250, laws of 1868–'69, as brought forward in section 6, chapter 118, Battle's Revisal, with a recommendation that it do not pass.

By Mr. Kerr, S. B. No. 577: A bill to be entitled an act to prohibit the carrying of side arms, with a recommendation that it do not pass.

S. B. No. 556: A bill to be entitled an act in relation to lands sold for taxes, and for other purposes, with a recommendation that it do not pass.

S. B. No. 491: A bill to be entitled an act to amend chapter 60, laws of 1873–'74, with accompanying substitute.

From the Committee on Finance:

By Mr. Standford, H. B. No. 246, S. B. No. 464: A bill to be entitled an act for adjusting the debt of Yancey county, with a recommendation that it do pass.

H. B. No. 369, S. B. No. 775: A bill to be entitled an act

to authorize the finance committees of the several counties to administer oaths in certain cases, with a recommendation that it be referred to the Committee on Judiciary. It was so referred.

H. R. No. 72, S. R. No. 828: Resolution in favor of K. Haynes, sheriff of Columbus county, with a recommendation that it do not pass.

From the Committee on Insane Asylum:

By Mr. Mills, S. B. No. 507: A bill to to be entiiled an act to protect insane, not provided for in the State institutions, with a recommendation that it do not pass.

From the Committee on Centennial:

By Mr. Morehead, S. B. No. 581: A bill to be entitled an act to incorporate the Mecklenburg Centennial Association, without recommendation.

From the Committee on Internal Improvements:

By Mr. Waring, S. B. No. 380: A bill to be entitled an act to incorporate the "Beaufort and Neuse Canal and Navigation Trust," with accompanying amendments.

S. B. No. 615: A bill to be entitled an act to repeal chapter 138, laws of 1871–'72, with a recommendation that it do pass.

From the Committee on Claims:

By Mr. Williamson, H. R. No. 188, S. R. No. 850: Resolution in favor of witnesses in the matter of J. Williams Thorne, with a recommendation that it do pass.

From the Committee on Propositions and Grievances:

By Mr. Latham, S. B. No. 586: A bill to be entitled an act to authorize the county commissioners of Pitt county to sell and make title to the county jail and land on which it is situated, and for other purposes, with a recommendation that it do pass.

H. B. No. 527, S. B. No. 801: A bill to be entitled an act for the relief of Mike Woods, of Wayne county, wtth accompanying proviso.

H. B. No. 703, S. B. No. 853: A bill to be entitled an act to authorize the mayor and commissioners of Elizabeth City,

in the county of Pasquotank, to levy a special tax, with a recommendation that it do not pass.

H. B. No. 408, S. B. No. 852: A bill to be entitled an act to allow the commissioners of Bladen county to levy a special tax, with a recommendation that it do pass.

From the Committee on Agriculture, Mechanics and Mining:

By Mr. Selby, S. B. No. 820: A bill to be entitled an act concerning the hunting of deer and other wild game in the county of Moore, with a recommendation that it do pass.

S. B. No. 836: A bill to be entitled an act to encourage the manufacture of cotton and woolen fabrics in North Carolina, with a recommendation that it do not pass.

On motion, the bill was referred to the Committee on Judiciary.

H. B. No. 481, S. B. No. 786: A bill to be entitled an act for the benefit of the farmers in the Murphy Swamp and Carver's Neck, Rockfish township, in Cumberland county, with accompanying amendment.

H. B. No. 544, S. B. No. 750: A bill to be entitled an act to incorporate the American Mining Company in the county of Haywood, with a recommendation that it do pass.

The following named bills and resolutions were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows:

By message from the House of Representatives, H. B. No. 622: A bill to be entitled an act for the better government of the town of Tarboro. To the Committee on Corporations.

H. B. No. 738: A bill to be entitled an act to prohibit the sale of spirituous liquors in certain localities in Chatham county. To the Committee on Propositions and Grievances.

By Mr. Cantwell: A bill to be entitled an act to prevent obstructions in Moore's creek. To the Committee on Propositions and Grivances.

By Mr. Holton: A bill to be entitled an act to incorporate

the North Carolina Water Power Company. To the Committee on Corporations.

By Mr. Busbee: A bill to be entitled an act to amend section 20, chapter 97, of Battle's Revisal. To the Committee on Judiciary.

A bill to be entitled an an act to amend chapter 137, laws of 1873–7'4. To the Committee on Propositions and Grievances.

By Mr. Bell: Resolution to pay James E. Morris. To the Committee on Military Affairs.

By Mr. LeGrand: Resolution in favor of T. M. Crowell, of Halifax county, N. C. To the Committee on Propositions and Grievances.

The following named bills, amendments and resolutions, reported as correctly engrossed by the Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence:

S. B. No. 407: A bill to be entitled an act to amend section 52, chapter 87, Battle's Revisal.

S. R. No. 847: Resolution of inquiry in reference to deposits made by the State Treasurer.

Senate amendments to S. B. No. 588, H. B. No. 326: A bill to be entitled an act to amend chapter 137, laws of 1873–'74.

The following bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

An act supplemental to an act passed at the present General Assembly, entitled an act to lay off and establish a county by the name of Pender.

An act to re-assess the real property of Pitt county.

Resolution in regard to pardon, &c.

An act to incorporate the City Bank of Wilmington.

An act for the better protection of the Caldwell and Watauga Turnpike Company.

An act to amend chapter 120, section 1, of laws of 1871–'72.

Mr. Standford moved that the Senate do now adjourn.

The yeas and nays being required, the motion prevailed. Yeas 33, nays 11:

*Affirmative*—Messrs. Anderson, Bell, Boddie, Bryan, Busbee, Clement, French, Graham, Hargrave, Irwin, Jenkins, Jernigan, Kerr, Latham, LeGrand, Linney, Love, Marler, McCauley, McElroy, McMillan, Mills, Parish, Pegram, Shaw, Smith, Standford, Stickney, Taylor, Walker, Waring, Williamson and Young—33.

*Negative*—Messrs. Cantwell, Cashwell, N. S. Cook, Holton Mabson, Morehead, Paschall, Selby, Sneed, Tucker and Worthy—11.

Thereupon the Senate stood adjourned until 10 A. M, tomorrow.

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## SEVENTY-FIFTH DAY.

SENATE CHAMBER, March 10th, 1875.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Pritchard.

The Journal of yesterday was read.

Reports from Standing Committees were submitted as follows:

From Committee on Military Affairs:

By Mr. McElroy, S. R. No. 864: Resolution to pay J. E. Morris, with a recommendation that it do pass.

From the Committee on Propositions and Grievances:

By Mr. Latham, S. B. No. 862: A bill to be entitled an act to amend chapter 137, laws of 1873–'74, with a recommendation that it do pass.

From the Joint Select Committee on Constitutional Reform:

By Mr. Morehead: A bill to be entitled an act to call a Con-

vention of the people of North Carolina. Ordered to printed, and made the special order for Friday, 12 M.

The following named bills and resolutions were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows :

By message from the House of Representatives, engrossed House amendments to S. B. No. 425, H. B. No. 643 : A bill to be entitled an act to authorize the commissioners of Moore county to levy a special tax.

The House amendments were concurred in.

H. B. No. 751 : A bill to be entitled an act to authorize the commissioners of Rockingham county to issue bonds for the purpose of re-constructing and repairing a bridge in said county. Placed on the calendar.

H. B. No. 770 : A bill to be entitled an act to require the Secretary of State to perform certain duties. To the Committee on Insurance.

H. B. No. 451 : A bill to be entitled an act to incorporate the Norfolk, Roxboro' and Greensboro' Railroad Company. To the Committee on Internal Improvements.

H. B. No. 779 : A bill to be entitled an act to provide for the erection of a new kitchen and store-house room at the Insane Asylum. To the Committee on Insane Asylum.

H. B. No. 740 : A bill to be entitled an act to amend section 8, line 2, chapter 136, private laws of 1873-'74. To the Committee on Corporations.

H. B. No. 768 : A bill to be entitled an act to incorporate the town of Gatesville, in Beaufort county. To the Committee on Corporations.

H. B. No. 680 : A bill to be entitled an act to provide for the removal of the county site of Johnston county. To the Committee on Propositions and Grievances.

H. B. No. 609 : A bill to be entitled an act to prohibit the killing of deer at certain seasons of the year. To the Committee on Propositions and Grievances.

H. B. No. 336 : A bill to be entitled an act concerning

burnt and destroyed records of Watauga county. To the Committee on Judiciary.

H. B. No. 636: A bill to be entitled an act to incorporate Balfour Lodge, Free and Accepted Masons, in the town of Asheboro, county of Randolph. To the Committee on Corporations.

H. B. No. 583: A bill to be entitled an act to amend an act entitled "an act to incorporate the National Loan Trust Company," ratified the 4th day of March, 1867, and for other purposes therein set forth.

H. B. No. 794: A bill to be entitled an act to incorporate the town of Penny Hill, in the county of Pitt. To the Committee on Corporations.

H. B. No. 627: A bill to be entitled an act to incorporate Olive Branch Lodge, I. O. O. F. No. 37. To the Committee on Corporations.

H. B. No. 682: A bill to be entitled an act to amend the charter of the Beaver Creek Manufacturing Company. To the Committee on Corporations.

H. B. No. 665: A bill to be entitled an act to incorporate Perseverance Council, No. 74, Friends of Temperance of Fayetteville. To the Committee on Corporations.

H. B. No. 683: A bill to be entitled an act to authorize the mayor and commissioners of Fayetteville to re-organize the fire department of said town. To the Committee on Propositions and Grievances.

H. B. No. 638: A bill to be entitled an act to incorporate the Plummer Hook and Ladder Company, No. 1. To the Committee on Corporations.

H. B. No. 765: A bill to be entitled an act to incorporate the Wilmington Ice Company. To the Committee on Corporations.

H. B. No. 664: A bill to be entitled an act to amend section 1, chapter 14, of private laws of 1870–'71, to re-enact the same.

H. B. No. 662: A bill to be entitled an act to incorporate

Nashville Lodge, No. 84, Independent Order of Odd Fellows, Nashville, Nash county, North Carolina. To the Committee on Corporations.

H. B. No. 470: A bill to be entitled an act to extend the time for the organization of certain corporations. To the Committee on Corporations.

H. B. No. 621: A bill to be entitled an act to prohibit the sale of spirituous liquors in or within three miles of the town of Murfreesboro, in the county of Hertford. To the Committee on Propositions and Grievances.

H. B. No. 525: A bill to be entitled an act to prevent the sale of intoxicating liquors within two and one half miles of Rocky River church, in Cabarrus county. Placed on the calendar.

H. B. No. 785: A bill to be entitled an act to amend the charter of the town of Cerro Gorda, in Columbus county. Placed on the calendar.

H. B. No. 649: A bill to be entitled an act for the relief of Brice Harrolson, of Caswell county. To the Committee on Claims.

H. B. No. 793: A bill to be entitled an act to incorporate Wilkesboro' High School, in the county of Wilkes. Placed on the calendar.

H. B. No. 786: A bill to be entitled an act to extend the corporate limits of the town of Carthage, in the county of Moore. Placed on the calendar.

H. B. No. 502: A bill to be entitled an act to amend chapter 14, private laws of 1869-'70. To the Committee on Corporations.

H. B. No. 316: A bill to be entitled an act in favor of Jacob A. Sowers, late sheriff of Davidson county. To the Committee on Propositions and Grievances.

H. B. No. 637: A bill to be entitled an act to amend the charter of the Bank of Mecklenburg. To the Committee on Corporations.

H. B. No. 678: A bill to be entitled an act to prevent the

hauling of seines and drag-nets in the mouths of Grove and Beard's creeks, in certain seasons. To the Committee on Propositions and Grievances.

By Mr. Graham: A bill to be entitled an act to appoint trustees for Pleasant Retreat Academy, Lincolnton, North Carolina. Placed on the calendar.

By Mr. Walker: A bill to be entitled an act to prevent the felling of timber in main Broad river and its tributaries. To the Committee on Propositions and Grievances.

At 11 A. M. the Chair announced that the hour had arrived for the special order, to-wit:

S. B. No. 834, H. B. No. 541: A bill to be entitled an act in relation to the Western North Carolina Railroad. The bill was read the third time.

Mr. Linney offered an amendment, which was adopted.

Pending the consideration of this bill, the Chair announced that the hour (12 M.) for the executive session had arrived.

Thereupon the Senate went into executive session, and the doors were ordered to be closed.

On the adjonrnment of the executive session, the Senate resumed the consideration of business.

Mr. Love moved that the further consideration of the unfinished business of to day, to-wit:

S. B. No. 834, H. B. No. 541: A bill to be entitled an act in relation to the Western North Carolina Railroad, be made the special order for to-day at 8 P. M. The motion prevailed.

Bills and resolutions were acted upon, under a snspension of the rules, as follows:

S. B. No. 688: A bill to be entitled an act to provide another asylum for the insane of North Carolina. The bill was read the third time.

Mr. Graham moved to amend by striking ont "$200,000," and inserting "$50,000 for this year, and $25,000 for the year 1876." The amendment prevailed.

Mr. Anderson moved to amend by inserting after the word

"asylum," the words "of North Carolina." The amendment prevailed.

Mr. Cantwell moved to amend by striking out the names mentioned in section 1, and inserting "the Governor nominate, and by and with the advice and consent of the Senate, appoint five commissioners." The amendment did not prevail.

Mr. Love moved to reconsider the vote by which the amendment proposed by Mr. Cantwell was rejected. The motion did not prevail.

The bill then passed the third time. Yeas 30, nays 11.

*Affirmative*—Messrs. Anderson, Bell, Busbee, Clement, French, Graham, Hargrave, Irwin, Jenkins, Kerr, Linney, Love, Marler, McElroy, McMillan, Mills, Morehead, Paschall, Peebles, Pegram, Shaw, Smith, Standford, Sugg, Taylor, Tucker, Walker, Waring, Worthy and Young—30.

*Negative*—Messrs. Boddie, Cashwell, Holton, Jernigan, Latham, LeGrand, Mabson, McCauley, Parish, Sneed and Stickney—11.

Mr. Mills moved to reconsider the vote just had, and to lay that motion on the table. The motion prevailed.

S. R. No. 864: Resolution to pay J. E. Morris. The resolution was read and adopted, and, on motion, was ordered to be transmitted to the House of Representatives, without engrossment, for concurrence.

Mr. McElroy moved that the consideration of S. B. No. 686: A bill to be entitled an act to amend an act entitled "an act to amend the charter of the North Carolina Railroad Company, and for other purposes" therein mentioned, ratified the 10th day of February, 1874, be made the special order for 7:30 P. M. to-day. The motion prevailed.

Mr. Standford moved that the consideration of S. B. No. 416, H. B. No. 331: A bill to be entitled an act to divest the jurisdiction of the Superior Courts over misdemeanors in failing to list polls and property, and for other purposes, be made the special order for 11 A. M. to-morrow. The motion prevailed.

The following named bills, amendments and resolutions, re-

ported as correctly engrossed by the Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence:

S. B. No. 581: A bill to be entitled an act to incorporate the Mecklenburg Centennial Association.

S. R. No. 864: Resolution to pay J. E. Morris.

S. B. No. 770: A bill to be entitled an act to authorize the commissioners of Northampton county to levy a special tax.

S. B. No. 732: A bill to be entitled an act to amend section 6, chapter 105, Battle's Revisal, entitled "Salaries and Fees."

S. R. No. 841: Resolution to pay actual expenses of Committee on Western Insane Asylum.

Senate amendments to H. B. No. 547, S. B. No. 840: A bill to be entitled an act to provide for the collection of taxes by the State and the several counties of the State on property, polls, &c., known as the "Machinery Act."

Senate amendments to H. B. No. 674, S. B. No. 737: A bill to be entitled an act for the protection of birds in the counties of Davidson, Randolph, Rowan, Anson, Warren, Guilford and Edgecombe.

The following bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

An act to incorporate the village of Rose Hill, in the county of Duplin.

Resolution in favor of J. H. Enniss.

An act in relation to charters of cities and towns.

An act to support the Insane Asylum of North Carolina.

An act to amend the charter of the Western Railroad Company.

An act to construe an act passed by the General Assembly at its session of 1872–'73, entitled an act in relation to fences, and for the better protection of crops.

An act to amend chapter 137, laws of 1873–'74.

An act to incorporate the Trustees of Burnt Chimney Academy, in Rutherford county.

An act to authorize the commissioners of Craven county to levy a special tax.

An act to incorporate the North Carolina Border Railroad Company.

The Senate adjourned until 7:30 P. M. to-day.

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## EVENING SESSION.

SENATE CHAMBER, March 10th, 1875.

The Senate met pursuant to adjournment at 7:30 P. M.

Mr. McElroy moved that the consideration of S. B. No. 686: A bill to be entitled an act to amend an act entitled an act to amend the charter of the North Carolina Railroad Company, and for other purposes therein mentioned, ratified 10th day of February, 1874, be postponed and made the special order for to-morrow at 11:30 A. M. The motion prevailed.

The Chair announced that the hour had arrived for the special order, to-wit:

S. B. No. 684: A bill to be entitled an act to prevent retailers of spirituous liquors from taking personal property in payment for or in pledge to secure the payment of the same. The bill was read the second time.

Mr. Busbee moved that the bill be indefinitely postponed. The motion prevailed.

By consent of the Senate, Mr. Peebles introduced the following bill:

A bill to be entitled an act to incorporate the town of Littleton, in the counties of Halifax and Warren.

The bill was read and passed the first time, and was referred to the Committee on Corporations.

The Chair announced that the hour for the special order had arrived, to-wit, S. B. No. 834, H. B. No. 541: A bill to be entitled an act in relation to the Western North Carolina Railroad. The bill was read the third time.

Mr. Morehead moved to amend by striking out all after the word "executions" in line 13, section 1, down to and including the word "same," in line 15, and insert in lieu thereof the words "eight hundred and fifty thousand dollars."

Mr. Busbee offered an amendment in the nature of a substitute for the amendment, to-wit: "Strike out from "if" in 12th line to "and" in 15th line, and insert "upon such terms as said commissioners shall deem advisable and proper for the best interest of the State."

The question recurring upon the amendment by Mr. Busbee, it did not prevail.

The question then recurring upon the amendment proposed by Mr. Morehead, the yeas and nays were required, and the amendment prevailed. Yeas 26, nays 15:

*Affirmative*—Mr. President, Messrs. Bell, Clement, French, Graham, Hargrave, Jernigan, Latham, LeGrand, Marler, McCauley, McMillan, Mills, Morehead, Parish, Pegram, Selby, Smith, Sneed, Standford, Stickney, Sugg, Taylor, Walker, Williamson and Worthy—26.

*Negative*—Messrs. Boddie, Busbee, Cantwell, Holton, Irwin, Kerr, Linney, Love, Mabson, McElroy, Paschall, Tucker, Waddell, Waring and Young—15.

The question then recurred upon the passage of the bill, as amended, on its third reading, and the bill passed the third time. Yeas 27, nays 17.

*Affirmative*—Mr. President, Messrs. Bell, Busbee, Cantwell, French, Graham, Irwin, Jenkins, Jernigan, Kerr, Linney, Love, McCauley, McElroy, Mills, Morehead, Pegram, Shaw, Standford, Stickney, Sugg, Taylor, Tucker, Walker, Waring, Worthy and Young—27.

*Negative*—Messrs. Anderson, Boddie, Clement, Hargrave, Holton, Latham, LeGrand, Mabson, Marler, McMillan, Parish, Paschall, Selby, Smith, Sneed, Waddell and Williamson— 17.

Mr. Love moved to reconsider the vote just had, and to lay that motion on the table. The motion prevailed.

Bills under a suspension of the rules were acted on, as follows:

H. B. No. 246, S. B. No. 464: A bill to be entitled an act for adjusting the debt of Yancey county.

The bill was read and passed the second and third times, the yeas and nays being dispensed with by consent.

S. B. No. 856: A bill to be entitled an act to authorize the county commissioners of Pitt county to sell and make title to the county jail and land on which it is situated, and for other purposes.

The bill was read and passed the second and third times, the yeas and nays being dispensed with by consent.

S. B. No. 762: A bill to be entitled an act to incorporate Yadkin River Bridge and Turnpike Company. The bill was read the second time.

The amendment proposed by the Committee on Corporations was adopted, and the bill passed the second time.

The bill was then read and passed the third time, the yeas and nays being dispensed with by consent.

S. B. No. 742, H. B. No. 324: A bill to be entitled an act to allow the commissioners of Ashe county to levy a special tax.

The bill was read and passed the second time. The bill was then read and passed the third time. Yeas 39, nays none.

*Affirmative*—Messrs. Anderson, Bell, Boddie, Busbee, Cantwell, Clement, N. S. Cook, French, Graham, Hargrave, Holton, Irwin, Jenkins, Jernigan, Kerr, Latham, LeGrand, Love, Mabson, Marler, McCauley, McElroy, McMillan, Parish, Paschall, Pegram, Selby, Shaw, Smith, Standford, Stickney, Sugg, Tucker, Waddell, Walker, Waring, Williamson, Worthy and Young—39.

*Negative*—None.

S. B. No. 315: A bill to be entitled an act to erect a school house for colored children in the city of Newbern.

The bill was read and passed the second and third times, the yeas and nays being dispensed with by consent.

H. B. No. 551, S. B. No. 808: A bill to be entitled an act to prohibit the sale of spirituous liquors within one-half mile of Cub Creek church, in Wilkes county. The bill was read the second time.

Mr. Busbee offered an amendment, which was adopted.

Mr. French proposed an amendment, which prevailed.

Mr. Cantwell offered an amendment, which prevailed.

On motion of Mr. McMillan, the further consideration of the bill was postponed and made the special order for to-morrow at 7:30 P. M.

The Senate then adjourned until 11 A. M. to-morrow.

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## SEVENTY-SIXTH DAY.

SENATE CHAMBER, March 11th, 1875.

The Senate met pursuant to adjournment.

The Chair announced that the hour for the special order had arrived, to-wit, S. B. No. 416, H. B. No. 13: A bill to be entitled an act to divest the jurisdiction of the Superior Courts over misdemeanors in failing to list polls and property, and for other purposes.

The question recurring on the motion to reconsider the vote by which the bill passed its third reading, it prevailed.

Mr. Standford moved to amend by striking out "twenty-five" and inserting "fifty" in lieu thereof.

Mr. Cantwell moved the previous question, and the main question was ordered.

The question recurring upon the amendment offered by Mr. Standford, it prevailed.

The question then recurring upon the passage of the bill, as

amended, the yeas and nays were required, and the bill passed the third time. Yeas 37, nays 4.

*Affirmative*—Messrs. Albright, Anderson, Boddie, Busbee, Cantwell, Cashwell, N. S. Cook, French, Graham, Hargrave, Irwin, Latham, LeGrand, Linney, Love, Mabson, Marler, McElroy, McMillan, Parish, Paschall, Peebles, Pegram, Selby, Shaw, Smith, Sneed, Standford, Stickney, Sugg, Taylor, Tucker, Waddell, Walker, Waring, Williamson and Worthy —37.

*Negative*—Messrs. Bell, Clement, McCauley and Young—4.

At 11:30 A. M., the Chair announced that the hour for the special order had arrived, to-wit, S. B. No. 686: A bill to be entitled an act to amend an act entitled an act to amend the charter of the North Carolina Railroad Company, and for other purposes therein mentioned, ratified 10th day of February, 1874.

On motion of Mr. McElroy, the consideration of the special order was postponed until 1 o'clock to-day.

Mr. Sneed moved that S. B. No. 883, H. B. No. 770: A bill to be entitled an act to require the Secretary of State to perform certain duties, be referred to the Committee on Finance. The motion prevailed, and the bill was so referred.

Reports from Standing Committees were submitted as follows:

From Committee on Propositions and Grievances:

By Mr. Latham, H. B. No. 683, S. B. No. 880: A bill to be entitled an act to authorize the mayor and commissioners of Fayetteville to re-organize the Fire Department of said town, with a recommendation that it do pass.

H. B. No. 680, S. B. No. 881: A bill to be entitled an act to provide for the removal of the county site of Johnston county, with a recommendation that it do pass.

H. B. No. 316, S. B. No. 878: A bill to be entitled an act in favor of Jacob A. Sowers, late sheriff of Davidson county, with a recommendation that it do not pass.

H. B. No. 678, S. B. No. 877: A bill to be entitled an act

to prevent the hauling of seines and drag nets in the mouths of Goose and Beard's creeks, in certain seasons, with a recommendation that it do pass.

H. B. No. 738, S. B. No. 867: A bill to be entitled an act to prohibit the sale of spirituous liquors in certain localities in Chatham county, with a recommendation that it do pass.

H. B. No. 609, S. B. No. 876: A bill to be entitled an act to prohibit the killing of deer at certain seasons of the year, with a recommendation that it do pass.

S. B. No. 854: A bill to be entitled an act to prohibit the hunting by fire light in Moore county, with a recommendation that it do pass.

S. B. No. 860: A bill to be entitled an act to prevent obstructions in Moore's creek, with a recommendation that it do not pass.

From the Committee on Judiciary:

By Mr. French, H. B. No. 282, S. B. No. 332: A bill to be entitled an act to fix the compensation of Superior Court Judges for holding special and extra terms, with accompanying amendments.

H. B. No. 4, S. B. No. 608: A bill to be entitled an act for the more effectual prosecution of offenders against the criminal laws of the State, with a recommendation that it do pass.

S. B. No. 104: A bill to be entitled an act to provide sluices for the passage of fish in mill-dams, or other dams or obstructions on the Catawba or Yadkin rivers, with a recommendation that it do not pass.

H. B. No. 169, S. B. No. 415: A bill to be entitled an act to punish swindling at agricultural fairs, with a recommendation that it do not pass.

By Mr. Linney, H. B. No. 323, S. B. No. 479: A bill to be entitled an act to define the powers of foreign trustees, with a recommendation that it do not pass.

By Mr. Busbee, S. B. No. 855: A bill to be entitled an act concerning proceedings in bastardy, with accompanying substitute.

By Mr. Jernigan, S. B. No. 843: A bill to be entitled an act to prevent discrimination in freight tariffs by railroad companies operating in this State, with a recommendation that it do pass.

By Mr. Peebles, S. B. No. 632: A bill to be entitled an act to amend section 69, chapter 32, Battle's Revisal, with a recommendation that it do not pass.

By Mr. McElroy, H. B. No. 582, S. B. No. 806: A bill to be entitled an act to amend chapter 29, laws of 1871–'72, and chapter 36, amendatory thereof, sessions of 1873–'74, with a recommendation that it do pass.

By Mr. Shaw, H. B. No. 369, S. B. No. 775: A bill to be entitled an act to authorize the finance committee of the several counties to administer oaths in certain cases, with a recommendation that it do pass.

From the Committee on Finance:

By Mr. Standford, S. B. No. 824: A bill to be entitled an act authorizing a specific appropriation for the erection of the Penitentiary, with a recommendation that it do pass.

From the Committee on Insane Asylum:

By Mr. Mills, S. B. No. 818: A bill to be entitled an act to establish a colored branch asylum for insane at Wilmington, North Carolina, with a recommendation that it do pass.

From the Committee on Claims:

By Mr. Williamson, H. B. No. 649, S. B. No. 884: A bill to be entitled an act for the relief of Brice Harralson, of Caswell county, with a recommendation that it do pass.

From the Committee on Corporations:

By Mr. Busbee, H. B. No. 622, S. B. No. 866: A bill to be entitled an act for the better government of the town of Tarboro, with a recommendation that it do pass.

The following named bills and resolutions were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows:

By Mr. Cantwell: A bill to be entitled an act to prohibit the liquor traffic in certain localities. Placed on the calendar.

By Mr. Graham: A bill to be entitled an act to improve the laws of this State. To the Committee on Judiciary.

By Mr. Jenkins: A bill to be entitled an act to amend the charter of the town of King's Mountain, Cleaveland county. To the Committee on Corporations.

By Mr. Bell: A bill to be entitled an act concerning weights and measures. To the Committee on Propositions and Grievances.

By Mr. Anderson: Resolution that the Senate meet this evening at 7:30 P. M., for the consideration of local and private bills only. Read and adopted.

By message from the House of Representatives, H. B. No. 823: A bill to be entitled an act authorizing the issuing of writs of certiorari by the Supreme Court in certain cases. To the Committee on Judiciary.

A bill, on its third reading, was acted upon, as follows:

S. B. No. 749, H. B. No. 648: A bill to be entitled an act to require the officers of the various counties to make reports of all moneys which may come into their hands. The bill was read the third time.

Mr. French moved to amend by striking out the words "money" or "moneys" wherever they occur, and insert the words "public fund" or "public funds." The amendment prevailed.

The bill then passed the third time, the yeas and nays being dispensed with by consent.

On motion, the bill was ordered to be forthwith engrossed and sent to the House of Representatives.

Mr. Mabson moved that the consideration of S. B. No. 866, H. B. No. 622: A bill to be entitled an act for the better government of the town of Tarboro, be made the special order for to-day at 8 P. M. The motion prevailed.

Mr. Marler moved that the consideration of S. B. No. 829: A bill to be entitled an act to authorize the hire of convict labnr in or outside of State's prison, and to regulate the same, be

made the special order for 10:30 A. M. to-morrow. The motion prevailed.

Mr. McElroy moved that the consideration of S. B. No. 686: A bill to be entitled an act to amend an act entitled an act to amend the charter of the North Carolina Railroad Company, and for other other purposes therein mentioned, ratified 10th day of February, 1874, be made the special order for to-morrow at 11:30 A. M. The motion prevailed.

The following bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

An act to amend an act ratified the 28th of December, 1833, entitled an act to amend an act entitled an act to establish a literary and manual labor institution in the county of Wake, passed in 1833.

An act to amend the charter of the city of Newbern.

A bill on its second reading was acted upon as follows:

S. B. No. 843: A bill to be entitled an act to prevent discrimination in freight tariffs by railroad companies operating in this State. The bill was read the second time.

Mr. Busbee moved that the bill be referred to the Committee on Internal Improvements, printed and made the special order for Saturday next, at 12 M.

Pending the consideration of this bill, the Chair announced that the hour for the executive session had arrived.

The Senate sitting in Executive session having adjourned, on motion, the Senate adjourned until 7:30 P. M. to-day.

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## EVENING SESSION.

SENATE CHAMBER, March 11th, 1875.

The Senate met pursuant to adjournment at 7:30 P. M.

The following named bills were introduced, read and passed

first time, and were referred, or otherwise disposed of, as follows:

H. B. No. 417: A bill to be entitled an act concerning inspectors of timber. To the Committee on Propositions and Grievances.

H. B. No. 808: A bill to be entitled an act to authorize the Atlantic and North Carolina Railroad Company to construct a branch road. To the Committee on Internal Improvements.

A bill on its third reading was acted upon as follows:

S. B. No. 742, H. B. No. 324: A bill to be entitled an act to allow the commissioners of Ashe county to levy a special tax. The bill was read and passed the third time. Yeas 35, nays none:

*Affirmative*—Messrs. Albright, Anderson, Bell, Boddie, Bryan, Busbee, Cantwell, Cashwell, Clement, N. S. Cook, French, Hargrave, Holton, Irwin, Jenkins, Jernigan, Latham, LeGrand, Linney, Love, Mabson, Marler, McMillan, Paschall, Peebles, Pegram, Shaw, Sneed, Stadnford, Stickney, Sugg, Tucker, Waddell, Walker and Williamson—35.

*Negative*—None.

The Chair announced that the hour for the special order had arrrived, to-wit, S. B. No. 866, H. B. No. 622: A bill to be entitled an act for the better government of the town of Tarboro'. The bill was read the second time.

Mr. Sneed moved that the further consideration of this bill be indefinitely postponed. The motion did not prevail. The yeas and nays being required, the bill passed the second time. Yeas 29, nays 10.

*Affirmative*—Messrs. Albright, Bell, Boddie, Busbee, Clement, French, Hargrave, Irwin, Jenkins, Jernigan, Kerr, Latham, LeGrand, Linney, Marler, McElroy, McMillan, Mills, Morehead, Parish, Pegram, Shaw, Smith, Standford, Stickney, Sugg, Waddell, Waring and Worthy—29.

*Negative*—Messrs. Bryan, Cantwell, Cashwell, N. S. Cook, Holton, Mabson, Paschall, Peebles, Sneed and Tucker—10.

Mr. Busbee moved that the rules be suspended, and the bill put upon its passage.

The yeas and nays being required, the motion prevailed. Yeas 27, nays 16.

*Affirmative*—Messrs. Albright, Bell, Busbee, Clement, French, Hargrave, Irwin, Jenkins, Jernigan, Kerr, Latham, LeGrand, Marler, McCauley, McElroy, Mills, Morehead, Parish, Pegram, Shaw, Smith, Standford, Stickney, Sugg, Waddell, Waring and Worthy—27.

*Negative*—Messrs. Anderson, Boddie, Bryan, Cantwell, Cashwell, N. S. Cook, Holton, Linney, Love, Mabson, McMillan, Paschall, Peebles, Sneed, Tucker and Walker—16.

The bill was then read the third time.

Mr. Holton moved to amend by adding:

"*Provided*, This amended charter shall first be ratified by a majority of all the legal voters within the corporate limits of the said town of Tarboro."

Mr. Jenkins moved the previous question, and the main question was ordered.

The question recurring upon the amendment offered by Mr. Holton, the yeas and nays were required, and the amendment did not prevail. Yeas 15, nays 24.

*Affirmative*—Messrs. Albright, Bryan, Cantwell, Cashwell, N. S. Cook, Holton, Linney, Love, Mabson, McMillan, Paschall, Peebles, Sneed, Tucker and Walker—15.

*Negative*—Messrs. Bell, Busbee, Clement, French, Hargrave, Irwin, Jenkins, Jernigan, Kerr, Latham, LeGrand, Marler, McElroy, Mills, Morehead, Parish, Pegram, Shaw, Standford, Stickney, Sugg, Waddell, Waring and Worthy—24.

The question then recurring upon the passage of the bill, the yeas and nays were required, and the bill passed the third time. Yeas 28, nays 11.

*Affirmative*—Messrs. Albright, Bell, Boddie, Busbee, Clement, French, Hargrave, Irwin, Jenkins, Jernigan, Latham,

LeGrand, Linney, Marler, McElroy, McMillan, Mills, Morehead, Parish, Pegram, Shaw, Smith, Standford, Stickney, Sugg, Waddell, Waring and Worthy—28.

*Negative*—Messrs. Bryan, Cantwell, Cashwell, N. S. Cook, Holton, Mabson, Paschall, Peebles, Sneed, Tucker and Walker—11.

Bills on second reading were acted upon as follows:

H. B. No. 679, S. B. No. 789: A bill to be entitled an act to regulate the taking of fish in the waters of New river, in the county of Onslow. Referred to the Committee on Judiciary.

S. B. No. 855: A bill to be entitled an act concerning proceedings in bastardy. The bill was read the second time.

The substitute proposed by the Committee on Judiciary was adopted, and the bill passed the second time.

The rules were suspended, and the bill read and passed the third time, the yeas and nays being dispensed with by consent.

H. B. No. 525, S. B. No. 872: A bill to be entitled an act to prevent the sale of intoxicating liquors within two and one half miles of Rocky River church, in Cabarrus county. The bill was read the second time.

Mr. Anderson offered an amendment, which prevailed, and the bill passed the second time.

The rules were suspended, and the bill read and passed the third time, the yeas and nays being dispensed with by consent.

H. B. No. 415, S. B. No. 778: A bill to be entitled an act to incorporate the Western North Carolina Land and Colonization Company. The bill was read the second time.

The amendment proposed by the Committee on Corporations prevailed, and the bill passed the second time.

The rules were suspended, and the bill read and passed the third time, the yeas and nays being dispensed with by consent.

S. B. No. 871, H. B. No. 751: A bill to be entitled an act to authorize the commissioners of Rockingham county to issue bonds for the purpose of re-constructing and repairing a bridge in said county.

The bill was read and passed the second time. Yeas 36, nays none.

*Affirmative*—Messrs. Albright, Anderson, Boddie, Busbee, Cantwell, Clement, N. S. Cook, French, Graham, Hargrave, Holton, Irwin, Jenkins, Kerr, Latham, LeGrand, Linney, Love, Mabson, McElroy, McMillan, Morehead, Parish, Paschall, Pegram, Shaw, Standford, Stickney, Sugg, Taylor, Tucker, Waddell, Walker, Waring, Williamson and Worthy—36.

*Negative*—None.

H. B. No. 550, S. B. No. 755: A bill to be entitled an act to authorize the county commissioners of Cherokee county to levy a special tax. The bill was read and passed the second time. Yeas 39, nays none:

*Affirmative*—Messrs. Albright, Anderson, Bell, Boddie, Bryan, Cantwell, Cashwell, Clement, N. S. Cook, French, Hargrave, Holton, Irwin, Jenkins, Jernigan, Latham, LeGrand, Linney, Love, Mabson, Marler, McCauley, McElroy, McMillan, Mills, Morehead, Paschall, Peebles, Pegram, Shaw, Smith, Sneed, Standford, Stickney, Sugg, Tucker, Waddell, Walker and Worthy—39.

*Negative*—None.

H. B. No. 372, S. B. No. 809: A bill to be entitled an act to incorporate the town of Franklinsville, in the county of Randolph. The bill was read and passed the second time. Yeas 38, nays 2.

*Affirmative*—Messrs. Albright, Anderson, Bell, Busbee, Cashwell, Clement, N. S. Cook, French, Hargrave, Irwin, Jenkins, Jernigan, Kerr, Latham, LeGrand, Linney, Love, Marley, McCauley, McElroy, McMillan, Morehead, Parish, Paschall, Peebles, Pegram, Selby, Shaw, Smith, Sneed, Standford, Stickney, Sugg, Waddell, Walker, Waring, Williamson and Worthy—38.

*Negative*—Messrs. Bryan and Cantwell—2.

H. B. No. 511, S. B. No. 751: A bill to be entitled an act to authorize the board of commissioners of Haywood county

to levy a special tax. The bill was read and passed the second time. Yeas 38, nays none.

*Affirmative*—Messrs. Albright, Anderson, Bell, Boddie, Bryan, Cantwell, Cashwell, Clement, N. S. Cook, French, Hargrave, Irwin, Jenkins, Jernigan, Latham, LeGrand, Linney, Love, Mabson, Marler, McCauley, McElroy, McMillan, Mills, Morehead, Peebles, Pegram, Shaw, Smith, Sneed, Standford, Stickney, Sugg, Tucker, Waddell, Walker, Williamson and Worthy—38.

*Negative*—None.

S. B. No. 756, H. B. No. 439: A bill to be entitled an act to incorporate the Fayetteville and Goldsboro' Railway Company. The bill was read the second time.

Mr. Bell offered an amendment, and the yeas and nays being required, it did not prevail. Yeas 8, nays 27.

*Affirmative*—Messrs. Bell, Bryan, Jernigan, Mabson, Mills, Paschall, Peebles and Tucker—8.

*Negative*—Messrs. Albright, Anderson, Boddie, Cantwell, Clement, French, Hargrave, Holton, Irwin, Kerr, Latham, LeGrand, Linney, Love, Marler, McCauley, McElroy, McMillan, Morehead, Pegram, Selby, Smith, Sneed, Stickney, Waddell, Walker, Waring and Worthy—27.

The bill then passed the second time.

On motion, the rules were suspended, and the bill was read and passed the third time. Yeas 36, nays 4.

*Affirmative*—Messrs. Albright, Anderson, Bell, Boddie, Bryan, Busbee, Clement, French, Hargrave, Holton, Irwin, Jenkins, Jernigan, Kerr, Latham, LeGrand, Linney, Love, McCauley, McElroy, McMillan, Mills, Morehead, Paschall, Peebles, Pegram, Shaw, Smith, Sneed, Standford, Stickney, Sugg, Tucker, Waddell, Walker, Waring and Worthy—36.

*Negative*—Messrs. Cantwell, Cashwell, N. S. Cook and Selby—4.

Mr. Kerr moved to reconsider the vote just had, and to lay that motion on the table. The motion prevailed.

The following bills were read and passed the second time,

and, on motion, the rules were suspended, and the bills were read and passed the third time, the yeas and nays being dispensed with by consent:

S. B. No. 870: A bill to be entitled an act to appoint trustees for Pleasant Retreat Academy, Lincolnton, N. C.

S. B. No. 813, H. B. No. 482: A bill to be entitled an act to lay off and establish a public road in the counties of Wilkes and Alexander.

S. B. No. 845: A bill to be entitled an act to incorporate the town of Weaversville, in Buncombe county.

On motion, the bill was ordered to be sent to the House of Representatives without engrossment.

S. B. No. 862: A bill to be entitled an act to amend an act to amend chapter 137, laws of 1873–'74.

H. B. No. 680, S. B. No. 881: A bill to be entitled an act to provide for the removal of the county site of Johnston county.

The following named bills, amendments and resolutions, reported as correctly engrossed by the Committee on Engrossed Bill, were transmitted to the House of Representatives for concurrence:

S. B. No. 688: A bill to be entitled an act to provide another asylum for the insane of North Carolina.

Senate amendments to H. B. No. 648, S. B. No. 749: A bill to be entitled an act to require the officers of the various counties to make reports of all moneys which may come into their hands.

Senate amendments to H. B. No. 541, S. B. No. 834: A bill to be entitled an act in relation to the Western North Carolina Railroad.

The Senate adjourned until 10 A. M. to-morrow.

## SEVENTY-SEVENTH DAY.

SENATE CHAMBER, March 12th, 1875.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Mangum.

The Journal of yesterday was read.

Leaves of absence were granted as follows:

To Mr. Tucker, for two days;

To Mr. Paschall, for to-morrow;

To Mr. Kerr, from to-day until Monday next;

To Mr. Irwin, from to-day until Monday next.

Reports from Standing Committees were submitted as follows:

From Committee on Corporations:

By Mr. Busbee, H. B. No. 682, S. B. No. 890: A bill to be entitled an act to amend the charter of the Beaver Creek Manufacturing Company, with accompanying amendment.

S. B. No. 905: A bill to be entitled an act to amend the charter of the town of King's Mountain, Cleaveland county, with a recommendation that it do pass.

H. B. No. 638, S. B. No. 895: A bill to be entitled an act to incorporate the Plummer Hook and Ladder Company, No. 1, with a recommendation that it do pass.

H. B. No. 662, S. B. No. 899: A bill to be entitled an act to incorporate Nashville Lodge, No. 84, Independent Order of Odd Fellows, Nashville, N. C., with a recommendation that it do pass.

H. B. No. 637, S. B. No. 900: A bill to be entitled an act to amend the charter of the Bank of Mecklenburg, with a recommendation that it do pass.

H. B. No. 636, S. B. No. 893: A bill to be entitled an act to incorporate Balfour Lodge, Free and Accepted Masons, in the town of Ashboro, Randolph county, with a recommendation that it do pass.

S. B. No. 902: A bill to be entitled an act to incorporate the town of Littleton, in the counties of Halifax and Warren, with a recommendation that it do pass.

H. B. No. 794, S. B. No. 891: A bill to be entitled an act to incorporate the town of Penny Hill, in the county of Pitt, with a recommendation that it do pass.

H. B. No. 768, S. B. No. 886: A bill to be entitled an act to incorporate the town of Gatesville, in Beaufort county, with a recommendation that it do pass.

H. B. No. 765, S. B. No. 896: A bill to be entitled an act to incorporate the Wilmington Ice Company, with a recommendation that it do pass.

H. B. No. 665, S. B. No. 884: A bill to be entitled an act to incorporate Perseverance Council, No. 74, Friends of Temperance, of Fayetteville, with a recommendation that it do pass.

H. B. No. 627, S. B. No. 892: A bill to be entitled an act to incorporate Olive Branch Lodge, I. O. O. F., No. 37, with a recommendation that it do pass.

From the Committee on Propositions and Grievances:

By Mr. Latham, H. B. No. 621, S. B. No. 879: A bill to be entitled an act to prohibit the sale of spirituous liquors in or within three miles of the town of Murfreesboro, in the county of Hertford, with a recommendation that it do pass.

S. B. No. 904: A bill to be entitled an act concerning weights and measures, with a recommendation that it do pass.

From the Committee on Internal Improvements:

By Mr. Waring, S. B. No. 719: A bill to be entitled an act to amend an act entitled an act to charter the Scotland Neck and Weldon Railroad and Steamboat Company, with a recommendation that it do pass.

S. B. No. 232: A bill to be be entitled an act to lay off and establish a public road from Horse Gap to the Virginia line, with a recommendation that it do pass.

The following named bills and resolutions were introduced,

read and passed first time, and were referred, or otherwise disposed of, as follows:

By Mr. Jenkins: Resolution requesting Congress to issue $500,000,000 legal tender notes, &c. To the Committee on Finance. Ordered to be printed.

By Mr. Peebles: A bill to be entitled an act to amend section 34, sub-division 9, chapter 19, Battle's Revisal. Placed on the calendar.

By Mr. Tucker: A bill to be entitled an act to establish a branch asylum in the city of Newbern, N. C. To the Committee on Insane Asylum.

By Mr. Linney: Resolution requiring the Principal Clerk to make out and have printed one hundred copies of a Senate Directory containing the name and post-office of each Senator. Adopted.

By message from the House of Representatives, H. B. No. 820: A bill to be entitled an act supplemental to and to amend an act entitled an act to prevent live stock from running at large within Cabarrus and certain other counties, ratified February 12, 1875. Placed on the calendar.

H. B. No. 800: A bill to be entitled an act to define the jurisdiction of the mayor or intendant of the town of Salisbury. Placed on the calendar.

The following named resolutions were read and disposed of, as follows:

H. R. No. 148, S. R. No. 779: Resolution in favor of James H. Enniss. Adopted.

H. R. No. 72, S. R. No. 828: Resolution in favor of K. Haynes, sheriff of Columbus county. Re-committed to the Committee on Finance.

S. R. No. 817: Resolution in favor of Sarah E. Wilder, executrix. Adopted.

H. R. No. 126, S. R. No. 503: Joint resolution as to vacant lot in the city of Raleigh, belonging to the State. Adopted.

S. R. No. 830: Resolution concerning the Albemarle and Chesapeake Canal Company.

The yeas and nays being required, the resolution was adopted. Yeas 33, nays 7:

*Affirmative*—Messrs. Albright, Anderson, Bell, Boddie, Busbee, Cashwell, Clement, Graham, Hargrave, Irwin, Jenkins, Jernigan, Latham, LeGrand, Linney, Marler, McElroy, McMillan, Morehead, Parish, Peebles, Pegram, Selby, Shaw, Smith, Standford, Stickney, Sugg, Waddell, Walker, Waring, Williamson and Worthy—33.

*Negative*—Messrs. Cantwell, Holton, Love, Mabson, Paschall, Sneed and Tucker—7.

A message was received from the House of Representatives stating that that body had refused to concur in the first section, and had concurred in the remaining sections of Senate amendments to S. B. No. 737, H. B. No. 674: A bill to be entitled an act for the protection of birds in the counties of Davidson, Randolph, Rowan, Anson, Warren, Guilford and Edgecombe.

Mr. Standford moved that the Senate recede from the first section of its amendments.

Pending the consideration of this motion, the Chair announced that the hour for the special order had arrived, to-wit:

S. B. No. 829: A bill to be entitled an act to authorize the hire of convict labor in or outside of State's prison, and to regulate the same. The bill was read the second time.

Mr. Love moved to amend by adding the following:

"*Provided*, Nothing contained in this act shall have effect to prevent commissioners who have charge of Western North Carolina Railroad from being furnished with all convicts they may wish for work upon said railroad."

The amendment prevailed, and the bill, as amended, passed the second time.

On motion, the bill was made the special order for 12 M. to-morrow.

On motion, the consideration of Mr. Standford's motion to recede from the first section of the Senate's amendments to H. B. No. 674, S. B. No. 737, was resumed, and the yeas and

nays being required, the motion prevailed. Yeas 31, nays 9.

*Affirmative*—Messrs. Albright, Anderson, Bell, Boddie, Busbee, Clement, French, Graham, Hargrave, Irwin, Jenkins, Jernigan, Latham, LeGrand, Linney, Love, Marler, McCauley, McElroy, McMillan, Morehead, Parish, Pegram, Selby, Shaw, Smith, Standford, Stickney, Waddell, Williamson and Worthy —31.

*Negative*—Messrs. Cantwell, N. S. Cook, Holton, Mabson, Paschall, Peebles, Sneed Tucker and Walker—9.

A message was received from the House of Representatives transmitting engrossed House resolution to adjourn *sine die* on Monday, the 22d of March, A. D. 1875.

The question recurring on concurring in the resolution,

Mr. Bell proposed to amend by substituting in place of "*sine die*" "until the third Monday in November."

Mr. Cantwell offered to amend the amendment by substituting therefor:

"*Provided*, The General Assembly shall first pass the bill to call a Convention, or otherwise fully provide for necessary amendments to the Constitution."

The yeas and nays being required, the amendment to the amendment did not prevail. Yeas 11, nays 31.

*Affirmative*—Messrs. Bell, Cantwell, French, Graham, Irwin, Jernigan, Love, McMillan, Parish, Standford and Stickney—11.

*Negative*—Messrs. Albright, Anderson, Busbee, Cashwell, Clement, N. S. Cook, Hargrave, Holton, Latham, LeGrand, Linney, Mabson, Marler, McCauley, McElroy, Morehead, Paschall, Pegram, Selby, Shaw, Smith, Sneed, Sugg, Taylor, Tucker, Waddell, Walker, Waring, Williamson, Worthy and Young—31.

Mr. Love offered to amend the amendment proposed by Mr. Bell, by substituting therefor the following:

"*Provided*, That an act first be passed to *save* and *protect*

the interest of the State in the North Carolina Railroad and the Western North Carolina Railroad"

Mr. Busbee moved that the resolution be referred to the Committee on Judiciary, and made the special order for Thursday next, at 12 M.

Pending the consideration of this motion, the Chair announced that the hour had arrived for the special order, to-wit: S. B. No. 686.

Mr. McElroy moved that the bill be postponed, and made the special order for Monday next, at 12 M.

The motion prevailed, and the consideration of the resolution on adjournment was resumed.

The question recurring upon the motion by Mr. Busbee to refer the resolution to the Committee on Judiciary, and make it the special order for Thursday next at 12 M., the yeas and nays were required, and the motion did not prevail. Yeas 19, nays 24.

*Affirmative*—Messrs. Bell, Boddie, Bryan, Busbee, Cashwell, Graham, Irwin, Jenkins, Latham, McCauley, McElroy, Parish, Paschall, Smith, Standford, Stickney, Sugg, Tucker and Waring—19.

*Negative*—Messrs. Albright, Anderson, Cantwell, Clement, N. S. Cook, French, Hargrave, Jernigan, LeGrand, Linney, Love, Marler, McMillan, Morehead, Peebles, Pegram, Selby, Shaw, Sneed, Taylor, Waddell, Walker, Williamson and Worthy—24.

The question then recurring on the amendment to the amendment, it did not prevail. Yeas 6, nays 32.

*Affirmative*—Messrs. Bryan, Cantwell, Love, McCauley, Mills and Tucker—6.

*Negative*—Messrs. Albright, Anderson, Bell, Boddie, Cashwell, Clement, N. S. Cook, French, Hargrave, Irwin, Jenkins, Jernigan, Latham, LeGrand, Linney, Marler, McElroy, McMillan, Morehead, Peebles, Pegram, Selby, Shaw, Smith, Sneed,

Standford, Sugg, Waddell, Walker, Williamson, Worthy and Young—32.

Mr. Irwin moved to postpone the further consideration of the resolntion, and make it the special order for Wednesday next, at 12 M.

The yeas and nays being required, the motion prevailed. Yeas 25, nays 22.

*Affirmative*—Messrs. Bell, Bryan, Busbee, Cashwell, Graham, Irwin, Jenkins, Jernigan, Latham, Love, McCauley, McElroy, McMillan, Mills, Parish, Pegram, Selby, Smith, Standford, Stickney, Sugg, Taylor, Tucker, Waddell and Waring—25.

*Negative*—Messrs. Albright, Anderson, Boddie, Cantwell, Clement, N. S. Cook, French, Hargrave, Holton, LeGrand, Linney, Mabson, Marler, Morehead, Paschall, Peebles, Shaw, Sneed, Walker, Williamson, Worthy and Young—22.

The following bills were acted upon, under a suspension of the rules:

H. B. No. 820: A bill to be entitled an act supplemental to and to amend an act entitled an act to prevent live stock from running at large within Cabarrus and certain other counties, ratified February 12, 1875.

The bill was read and passed the second and third times, the yeas and nays being dispensed with by consent.

S. B. No. —: A bill to be entitled an act to amend section 34, sub-division 9, chapter 17, Battle's Revisal.

The bill was read and passed the second and third times, the yeas and nays being dispensed with by consent.

H. B. No. 565, S. B. No. 754: A bill to be entitled an act to provide for payment of costs and other indemnity of officers in certain cases.

The bill was read and passed the second and third times, the yeas and nays being dispensed with by consent.

S. B. No. 531: A bill to be entitled an act to encourage immigration.

On motion, made the special order for 8 P. M. to-day.

At 12 M. the Chair announced that the hour had arrived for the special order, to-wit:

S. B. No. 868: A bill to be entitled an act to call a Convention of the people of North Carolina. The bill was read the second time.

Mr. Williamson offered an amendment.

Mr. Busbee offered a substitute for the amendment, which was rejected.

Mr. Parish offered an amendment to the amendment, which was rejected.

The question recurring upon the amendment offered by Mr. Williamson, it was rejected.

Mr. Linney offered an amendment, the yeas and nays were required, and the amendment was rejected. Yeas 14, nays 35.

*Affirmative*—Mr. President, Messrs. Albright, Busbee, N. S. Cook, Holton, LeGrand, Linney, Marler, McCauley, McMillan, Taylor, Waddell, Walker, Williamson and Worthy—14.

*Negative*—Messrs. Anderson, Bell, Boddie, Bryan, Cantwell, Cashwell, Clement, French, Graham, Hargrave, Irwin, Jenkins, Jernigan, Kerr, Latham, Love, Mabson, McElroy, Mills, Morehead, Parish, Paschall, Peebles, Pegram, Selby, Shaw, Smith, Sneed, Standford, Stickney, Sugg, Taylor, Tucker, Waring and Young—35.

Mr. Mabson offered an amendment, which was rejected.

The question recurring on the passage of the bill the second time, the yeas and nays were required, and the bill passed the second time. Yeas 35, nays 14.

*Affirmative*—Mr. President, Messrs. Anderson, Bell, Boddie, Busbee, Cantwell, Clement, French, Graham, Hargrave, Irwin, Jenkins, Jernigan, Kerr, Latham, Linney, Love, McCauley, McElroy, McMillan, Mills, Morehead, Parish, Pegram, Selby, Shaw, Smith, Standford, Stickney, Sugg, Taylor, Waddell, Waring, Williamson and Young—35.

*Negative*—Messrs. Albright, Bryan, Cashwell, N. S. Cook,

Holton, LeGrand, Mabson, Marler, Paschall, Peebles, Sneed, Tucker, Walker and Worthy—14.

On motion, the rules were suspended, and the bill was read and passed the third time, yeas 38, nays 12.

*Affirmative*—Mr. President, Messrs. Anderson, Bell, Boddie, Busbee, Cantwell, Clement, C. M. Cooke, French, Graham, Hargrave, Irwin, Jenkins, Jernigan, Kerr, Latham, LeGrand, Linney, Love, McCauley, McElroy, McMillan, Mills, Morehead, Parish, Pegram, Selby, Shaw, Smith, Standford, Stickney, Sugg, Taylor, Waddell, Waring, Williamson, Worthy and Young—38.

*Negative*—Messrs. Albright, Bryan, Cashwell, N. S. Cook, Holton, Mabson, Marler, Paschall, Peebles, Sneed, Tucker and Walker—12.

On motion, the bill was ordered to be forthwith engrossed and sent to the House of Representatives for concurrence.

The following named bills, amendments and resolutions, reported as correctly engrossed by the Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence :

S. B. No. 870 : A bill to be entitled an act to appoint trustees for Pleasant Retreat Academy, Lincolnton, North Carolina.

S. B. No. 595 : A bill to be entitled an act to charter the Monroe and Lancaster Narrow Gauge Railroad.

S. B. No. 856 : A bill to be entitled an act to authorize the county commissioners of Pitt county to sell and make title to the county jail and land on which it is situated, and for other purposes.

S. B. No. 315 : A bill to be entitled an act to erect a school house for colored children in the city of Newbern.

S. B. No. 845 : A bill to be entitled an act to incorporate the town of Weaversville, in Buncombe county.

The following bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State :

Joint resolution to pay expenses of the Committee on Western Insane Asylum.

An act to authorize the commissioners of Moore county to levy a special tax.

An act for adjusting the debt of Yancey county.

An act to empower the commissioners of Cabarrus county to sell their present court house and jail lots and to levy a special tax.

Mr. Clement moved that the Senate do now adjourn. The yeas and nays being required, the motion prevailed. Yeas 25, nays 19.

*Affirmative*—Messrs. Albright, Anderson, Boddie, Cantwell, Clement, N. S. Cook, French, Graham, Hargrave, Jenkins, Kerr, Latham, McMillan, Morehead, Pegram, Selby, Shaw, Standford, Stickney, Sugg, Waddell, Walker, Waring, Williamson and Worthy—25.

*Negative*—Messrs. Bell, Bryan, Cashwell, Irwin, Jernigan, LeGrand, Love, Mabson, Marler, McElroy, Mills, Parish, Paschall, Peebles, Smith, Sneed, Taylor, Tucker and Young—19.

Thereupon the Senate stood adjourned until 7:30 P. M. today.

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## EVENING SESSION.

SENATE CHAMBER, March 12th, 1875.

The Senate met pursuant to adjournment at 7:30 P. M.

A bill on its third reading was acted upon as follows:

S. B. No. 871, H. B. No. 75: A bill to be entitled an act to authorize the commissioners of Rockingham county to issue bonds for the purpose of re constructing and repairing a bridge in said county. The bill was read and passed the third time. Yeas 30, nays none:

*Affirmative*—Messrs. Anderson, Bell, Boddie, Busbee, Cant-

well, Clement, C. M. Cooke, N. S. Cook, French, Jenkins, Jernigan, Latham, LeGrand, Love, Mabson, Marler, McElroy, McMcMillan, Morehead, Paschall, Pegram, Shaw, Sneed, Stickney, Tucker, Waddell, Walker, Waring, Williamson and Young —30.

*Negative*—None.

Mr. Waring asked and obtained leave to introduce a bill entitled an act for the establishment of public graded schools in the city of Charlotte, which was read and passed the first time, and referred to the Committee on Education.

Bills, on second reading, were acted upon as follows:

S. B. No. 380: A bill to be entitled an act to incorporate the Beaufort and Neuse Canal and Navigation Trust. The bill was read the second time.

The amendment proposed by the Committee on Corporations was adopted, and the bill passed the second time.

On motion, the rules were suspended, and the bill was read and passed the third time, the yeas and nays being dispensed with by consent.

S. B. No. 786, H. B. No. 481: A bill to be entitled an act for the benefit of the farmers in the Murphy Swamp and Carver's Neck, Rockfish township, in Cumberland county. The bill was read the second time.

The amendment proposed by the Committee on Agriculture, Mechanics and Mining was adopted, and the bill passed the second time.

On motion, the rules were suspended, and the bill was read and passed the third time, the yeas and nays being dispensed with by consent.

S. B. No. 903, H. B. No. 806: A bill to be entitled an act to define the jurisdiction of the mayor or intendant of the town of Salisbury. The bill was read the second time.

Mr. Cooke offered to amend by inserting after the word "Salisbury," wherever it occurs, "and mayor of the town of "Louisburg." The amendment prevailed.

The bill, as amended, then passed the second time.

On motion, the rules were suspended, and the bill was read and passed the third time, the yeas and nays being dispensed with by consent.

The following bills were read and passed the second time; and, on motion, the rules were suspended, and the bills were read and passed the third time, the yeas and nays being dispensed with by consent:

S. B. No. 899, H. B. No. 662: A bill to be entitled an act to incorporate Nashville Lodge, No. 84, Independent Order of Odd Fellows, Nashville, Nash county, North Carolina.

S. B. No. 892, H. B. No. 627: A bill to be entitled an act to incorporate Olive Branch Lodge, I. O. O. F., No. 37.

S. B. No. 793: A bill to be entitled an act to incorporate the Ridgeway Cemetery Association.

S. B. No. 806, H. B. No. 582: A bill to be entitled an act to amend chapter 29, laws 1871–'72, and chapter 36, amendatory thereof, sessions 1873–'74.

S. B. No. 755, H. B. No. 499: A bill to be entitled an act to prohibit the sale of intoxicating drinks within one mile of the court house of Dallas, Gaston county.

S. B. No. 905: A bill to be entitled an act to amend the charter of the town of King's Mountain, Cleaveland county.

On motion, ordered to be sent to the House of Representatives without engrossment.

H. B. No. 600, S. B. No. 807: A bill to be entitled an act to amend an act to incorporate the Georgia and North Carolina Railroad Company, ratified the 31st day of March, 1871.

H. B. No. 649, S. B. No. 884: A bill to be entitled an act for the relief of Brice Harralson, of Caswell county.

Special orders were acted upon as follows:

S. B. No. 818: A bill to be entitled an act to establish a colored branch asylum for insane at Wilmington, N. C. The bill was read the second time.

Mr. Tucker moved that the further consideration of the bill be postponed, and made the special order for Monday next at 8 P. M. The motion prevailed.

On motion, the bill was re committed to the Committee on Insane Asylum.

S. B. No. 531: A bill to be entitled an act to encourage immigration. The bill was read the second time.

Mr. Love offered an amendment, in the nature of a substitute, which prevailed.

The question recurring upon the passage of the bill, as amended, on its second reading, the yeas and nays were required, and the bill was rejected. Yeas 15, nays 19.

*Affirmative*—Messrs. Bell, Busbee, Cantwell, C. M. Cooke, French, Jernigan, Kerr, Love, Peebles, Pegram, Shaw, Stickney, Tucker, Waddell and Waring—15.

*Negative*—Messrs. Albright, Anderson, Boddie, Bryan, Clement, N. S. Cook, Latham, LeGrand, Mabson, McElroy, McMillan, Morehead, Paschall, Sneed, Standford, Walker, Williamson, Worthy and Young—19.

The Senate adjourned until 10 A. M, to-morrow.

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## SEVENTY-EIGHTH DAY.

SENATE CHAMBER, March 13th, 1875.

The Senate met pursuant to adjournment.

The Journal of yesterday was read.

Leave of absence was granted to Mr. Holton from to-day until Tuesday next.

Mr. C. M. Cooke asked and obtained leave to record his vote in the affirmative on the vote by which the bill to call a Convention of the people of North Carolina passed its final reading on yesterday.

Mr. LeGrand moved that the Senate branch of the Joint Committee to destroy coupons in Treasurer's office be excused

from duty on Tuesday and Wednesday next in the Senate. The motion prevailed.

Reports from Standing Committees were submitted, as follows:

From Committee on Internal Improvements:

By Mr. Waring, H. B. No. 451, S. B. No. 885: A bill to be entitled an act to incorporate the Norfolk, Roxboro' and Greensboro' Railroad Company, with a recommendation that it do pass.

From the Committee on Judiciary:

By Mr. Latham, S. B. No. 906: A bill to be entitled an act to improve the laws of this State, with a recommendation that it do pass.

From the Commttee on Education:

By Mr. Bell, S. B. No. 917: A bill to be entitled an act to authorize the establishment of public graded schools in the city of Charlotte, with a recommendation that it do pass.

From the Committee on Insane Asylum:

By Mr. Mills, S. B. No. 818: A bill to be entitled an act to establish a colored branch asylum for insane at Wilmington, N. C.

The following named bills and resolutions were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows:

By message from the House of Representatives, H. B. No. 770: A bill to be entitled an act declaring a portion of Haw river, in Rockingham county, a lawful fence. To the Committee on Propositions and Grievances.

H. B. No. 842: A bill to be entitled an act concerning the allotment of dower. To the Committee on Judiciary.

H. B. No. 677: A bill to be entitled an act to amend section 343, of chapter 17, of Battle's Revisal. To the Committee on Judiciary.

H. R. No. 205: Resolution concerning an appeal to the Supreme Court of the United States. To the Committee on Judiciary.

H. R. No. 152: Resolution in favor of Joseph Marshall, late sheriff of Stanly county. To the Committee on Claims.

H. R. No. 218: Resolution in favor of S. Trivett. Read and concurred in.

H. B. No. 757: A bill to be entitled an act to amend chapter 32, section 17, of Battle's Revisal. To the Committee on Judiciary.

H. B. No. 86: A bill to be entitled an act to amend section 1, chapter 81, public laws of 1868–'69. To the Committee on Judiciary.

H. B. No. 822: A bill to be entitled an act to amend chapter 329, laws of 1850–'51. To the Committee on Judiciary.

H. B. 707: A bill to be entitled an act to amend section 252, chapter 17, Battle's Revisal. To the Committee on Judiciary.

H. B. No. 498: A bill to be entitled an act to amend chapter 61, section 54, of Battle's Revisal. To the Committee on Judiciary.

H. B. No. 675: A bill to be entitled an act to amend chapter 70, Battle's Revisal. To the Committee on Judiciary.

H. B. No. 681: A bill to be entitled an act to amend section 9, chapter 112, Battle's Revisal. To the Committee on Judiciary.

H. B. No. 676: A bill to be entitled an act to amend section 1, chapter 9, Battle's Revisal. To the Committee on Judiciary.

H. B. No. 723: A bill to be entitled an act to amend chapter 137, laws of 1873–'74. To the Committee on Judiciary.

H. B. No. 828: A bill to be entitled an act to prevent the sale of spirituous liquors in certain localities. To the Committeee on Propositions and Grievances.

H. R. No. 195: Resolution in favor of G. J. Williams, late sheriff of Chatham county. To the Committee on Claims.

H. B. No. 690: A bill to be entitled an act to amend chapter 63, Battle's Revisal, entitled "justices and their jurisdiction." To the Committee on Judiciary.

H. B. No. 599: A bill to be entitled an act to incorporate

the town of Woodville, in the county of Perquimans. To the Committee on Corporations.

H. B. No. 702: A bill to be entitled an act to incorporate the Vestry of Calvary church, at Wadesboro, North Carolina. To the Committee on Corporations.

H. B. No. 384: A bill to be entitled an act to amend chapter 113, laws of 1868–'69, as brought forward in Battle's Revisal, chapter 45, section 115. To the Committee on Judiciary.

H. B. No. 772: A bill to be entitled an act to authorize the county commissioners of Macon county to levy a special tax. To the Committee on Propositions and Grievances.

H. B. No. 370: A bill to be entitled an act to amend the charter of the North Carolina Railroad Company, and to provide for the transferring the State's stock therein. To the Committee on Internal Improvements.

By Mr. Bell: A bill to be entitled an act in relation to changing the gauge of railroads. To the Committee on Corporations.

By Mr. Love: A bill to be entitled an act to require certain statement of public receipts and disbursements of public moneys. Placed on the calendar.

By Mr. Hargrave: A bill to be entitled an act to amend the charter of the North Carolina Railroad Company, and for other purposes. To the Committee on Internal Improvements, and ordered to be printed.

By Mr. Parish: A bill to be entitled an act to provide for the employment of convicts in the county jails, and for other purposes. To the Committee on Penal Institutions.

By Mr. Peebles: A bill to be entitled an act to prohibit the sale of liquor within three miles of St. Francis and Grace churches, in Woodville, Bertie county. To the Committee on Propositions and Grievances.

By Mr. McMillan: Resolution that when the Senate adjourns to-day, that it adjourn to meet 7 [illegible] o'clock to-night for the consideration of private and local bills only. Adopted.

By Mr. Cantwell: Resolution that the Senate Rules of Order be amended by striking out "Principal Clerk" wherever it occurs therein, and insert "Secretary of the Senate" in lieu thereof. And the Principal Doorkeeper shall be styled the "Sergeant-at-Arms," and have the duties of that office. Read and adopted.

On motion, the rules were suspended, and H. R. No. 188, S. R. No. 850: Resolution in favor of witnesses in the matter of J. Williams Thorne, was read and adopted.

Mr. Standford moved to re-consider the vote by which S. R. No. 830: Resolution concerning the Albemarle and Chesapeake Canal Company, was adopted on yesterday. The motion prevailed.

Mr. Standford offered an amendment, in the nature of a substitute, which prevailed, and the resolution, as amended, was adopted.

Mr. Bell moved to make S. R. No. 673: Resolution as to Board of Public Charities, the special order for Monday next at 8 P. M. The motion prevailed.

Mr. LeGrand moved that S. B. No. 703: A bill to be entitled an act to facilitate the construction of telegraph lines, be made the special order for Tuesday, the 16th instant, at 11 A. M. The motion prevailed.

Mr. Standford moved to reconsider the vote by which S. B. No. 531: A bill to be entitled an act to encourage immigration, was rejected on its second reading, and to place that motion on the calendar. The motion to place on the calendar prevailed.

Bills on third reading were acted upon as follows:

S. B. No. 281: A bill to be entitled an act for the better government and regulation of the city of Wilmington, and for other purposes.

The bill was read the third time, and, on motion, was recommitted to the Committee on Corporations.

S. B. No. 750, H. B. No. 511: A bill to be entitled an act

to authorize the board of commissioners of Haywood county to levy a special tax.

The bill was read and passed the third time. Yeas 36, nays none.

*Affirmative*—Messrs. Albright, Anderson, Bell, Boddie, Bryan, Cashwell, Clement, C. M. Cooke, N. S. Cook, French, Graham, Hargrave, Holton, Jenkins, Jernigan, Latham, LeGrand, Love, Marler, McElroy, McMillan, Mills, Parish, Peebles, Pegram, Selby, Shaw, Smith, Sneed, Standford, Sugg, Waddell, Walker, Worthy and Young—36.

*Negative*—None.

S. B. No. 755, H. B. No. 550: A bill to be entitled an act to authorize the county commissioners of Cherokee county to levy a special tax.

The bill was read and passed the third time. Yeas 35, nays none.

*Affirmative*—Messrs. Albright, Anderson, Bell, Boddie, Busbee, Cantwell, Cashwell, Clement, N. S. Cook, French, Graham, Hargrave, Jenkins, Jernigan, Latham, LeGrand, Love, Marler, McElroy, McMillan, Mills, Parish, Peebles, Pegram, Selby, Shaw, Smith, Sneed, Standford, Taylor, Waddell, Walker, Williamson, Worthy and Young—35.

*Negative*—None.

S. B. No. 809, H. B. No. 372: A bill to be entitled an act to incorporate the town of Franklinsville, in the county of Randolph. The bill was read the third time.

Mr. Worthy offered to amend by striking out "1876" and inserting "1875" in lieu thereof. The amendment prevailed.

The bill, as amended, then passed the third time. Yeas 36 nays none:

*Affirmative*—Messrs. Albright, Anderson, Bell, Boddie, Bryan, Busbee, Cantwell, Cashwell, Clement, C. M. Cooke, N. S. Cook, French, Graham, Hargrave, Holton, Jenkins, Jernigan, Latham, LeGrand, Love, Marler, McElroy, McMillan, Parish, Pegram, Selby, Shaw, Smith, Sneed, Standford, Stick-

ney, Taylor, Waddell, Walker, Williamson and Worthy—36.

*Negative*—None.

The Chair announced that the hour for the special order had arrived, to-wit:

S. B. No. 829: A bill to be entitled an act to authorize the hire of convict labor in or outside of State's prison, and to regulate the same. The bill was read the third time.

Mr. Marler offered an amendment, which was adopted.

The bill, as amended, then passed the third time. Yeas 40, nays none:

*Affirmative*—Messrs. Albright, Anderson, Bell, Boddie, Bryan, Busbee, Cantwell, Cashwell, Clement, C. M. Cooke, N. S. Cook, French, Graham, Hargrave, Holton, Jernigan, Latham, LeGrand, Love, Mabson, Marler, McElroy, McMillan, Mills, Morehead, Parish, Peebles, Pegram, Selby, Shaw, Smith, Standford, Stickney, Sugg, Waddell, Walker, Waring, Williamson, Worthy and Young—40.

*Negative*—None.

A message was received from the House of Representatives transmitting engrossed House amendments to S. B. No. 135, H. B. No. 659: A bill to be entitled an act to compromise, commute and settle the State debt.

The question recurring upon concurring in the amendments, the amendments were concurred in.

Bills, on second reading, were acted upon as follows:

S. B. No. 917: A bill to be entitled an act to authorize the establishment of public graded schools in the city of Charlotte.

The bill was read and passed the second time. Yeas 36, nays none.

*Affirmative*—Messrs. Albright, Anderson, Bell, Boddie, Bryan, Cantwell, Cashwell, Clement, C. M. Cooke, N. S. Cook, Graham, Hargrave, Holton, Jenkins, Jerkins, Latham, LeGrand, Love, Mabson, McMillan, Morehead, Parish, Pegram, Selby, Shaw, Smith, Sneed, Standford, Sugg, Taylor, Waddell, Walker, Waring, Williamson and Worthy—36.

*Negative*—None.

S. B. No. 843: A bill to be entitled an act to prevent discrimination in freight tariffs by railroad companies operating in this State. The bill was read the second time.

Mr. Graham offered an amendment, in the nature of a substitute, which was adopted.

The bill, as amended, then passed the second time.

On motion, the rules were suspended, and the bill was read and passed the third time, the yeas and nays being dispensed with by consent.

S. B. No. 885: A bill to be entitled an act to incorporate the Norfolk, Roxboro' and Greensboro' Railroad Company.

The bill was read and passed the second time. Yeas 30, nays 1.

*Affirmative*—Messrs. Albright, Anderson, Bell, Boddie, Cantwell, Cashwell, C. M. Cooke, N. S. Cook, Graham, Hargrave, Holton, Jenkins, Latham, LeGrand, Love, Marler, McElroy, Parish, Pegram, Shaw, Sneed, Standford, Sugg, Taylor, Waddell, Walker, Waring, Williamson, Worthy and Young—30.

*Negative*—Mr. Selby—1.

S. B. No. 787, H. B. No. 708: A bill to be entitled an act to attach the county of Watauga to the Tenth Judicial District, and to change the time of holding the Superior Courts for the counties of Watauga, Alleghany, Wilkes and Iredell. The bill was read the second time.

Mr. McMillan offered an amendment, which was adopted.

The bill, as amended, then passed the second time.

On motion, the rules were suspended, and the bill was read and passed the third time, the yeas and nays being dispensed with by consent.

Mr. Marler moved to reconsider the vote by which the bill passed its final reading, and to lay that motion on the table. The motion to table prevailed.

S. B. No. 104: A bill to be entitled an act to provide sluices or passages for fish in the mill dam or other dams or obstruc-

tions in the Catawba and Yadkin rivers. The bill was read the second time, and, on motion, laid upon the table.

S. B. No. 307: A bill to be entitled an act concerning pilots. The bill was read the second time.

Mr. Selby offered an amendment, in the nature of a substitute.

Mr. Bell offered an amendment to the amendment.

The question recurring upon the amendment to the amendment, it was adopted.

The question then recurring upon the amendment offered by Mr. Selby, it was adopted.

The question then recurring upon the passage of the bill, as amended, on its second reading, the bill passed the second time.

On motion, the rules were suspended, and the bill was read and passed the third time, the yeas and nays being dispensed with by consent.

S. B. No. 906: A bill to be entitled an act to improve the laws of this State. The bill was read the second time.

Mr. Graham offered an amendment, which was adopted.

Mr. Cantwell offered an amendment.

Mr. Cantwell moved that the bill be re-committed to the Committee on Judiciary. The motion prevailed.

S. B. No. 759: A bill to be entitled an act requiring sureties on official bonds to reside in the county in which the bonds are given. The bill was read the second time.

Mr. Cantwell moved that the bill be laid upon the table. The yeas and nays were required, and the motion to table prevailed. Yeas 20, nays 14.

*Affirmative*—Messrs. Albright, Boddie, Bryan, Cantwell, Cashwell, N. S. Cook, Hargrave, Holton, Love, Mabson, Marler, McElroy, Parish, Peebles, Sugg, Taylor, Waddell, Walker, Williamson and Young—20.

*Negative*—Messrs. Anderson, Busbee, C. M. Cooke, French, Graham, Jernigan, Latham, McMillan, Pegram, Shaw, Standford, Stickney, Waring and Worthy—14.

Mr. Bell moved to reconsider the vote just had, and to make that motion the special order for Monday next at 8:20 P. M. The motion to make special order prevailed.

S. B. No. 332, H. B. No. 282: A bill to be entitled an act to fix the compensation of Superior Court Judges for holding special and extra terms. The bill was read the second time.

The question recurring on the adoption of the amendment proposed by the Committee on Judiciary, Mr. Marler offered an amendment to the amendment.

Mr. Busbee moved that the bill be laid upon the table.

The yeas and nays being required, the amendment did not prevail. Yeas 18, nays 19.

*Affirmative*—Messrs. Bell, Bryan, Busbee, Cantwell, Cashwell, C. M. Cooke, Hargrave, Jernigan, Parish, Pegram, Shaw, Sneed, Standford, Stickney, Sugg, Taylor, Waddell and Walker —18.

*Negative*—Messrs. Albright, Anderson, Boddie, Clement, N. S. Cook, French, Graham, Holton, Latham, LeGrand, Love, Mabson, Marler, McElroy, McMillan, Smith, Williamson, Worthy and Young—19.

Mr. Stickney offered an amendment.

Mr. Morehead moved that the amendment be laid upon the table. The yeas and nays being required, the motion to table prevailed. Yeas 25, nays 14.

*Affirmative*—Messrs. Bell, Bryan, Busbee, Cantwell, Cashwell, C. M. Cooke, French, Graham, Holton, Jenkins, Jernigan, Mabson, Marler, McCauley, Morehead, Peebles, Pegram, Sneed, Standford, Stickney, Sugg, Taylor, Waddell, Walker and Waring—25.

*Negative*—Messrs. Albright, Anderson, Boddie, Clement, N. S. Cook, Hargrave, Latham, Love, McElroy, McMillan, Parish, Smith, Williamson and Worthy—14.

The following bills were read and passed the second time, and, on motion, the rules were suspended, and the bills were read and passed the third time, the yeas and nays being dispensed with by consent:

S. B. No. 232: A bill to be entitled an act to lay off and establish a public road from Horse Gap to the Virginia line.

S. B. No. 735, H. B. No. 312: A bill to be entitled an act to punish breaking into an uninhabited house with intent to commit a felony.

S. B. No. 608, H. B. No. 4: A bill to be entitled an act for the more effectual prosecution of offenders against the criminal laws of the State.

S. B. No. 757, H. B. No. 545: A bill to be entitled an act to amend the charter of the town of LaGrange, in the county of Lenoir.

S. B. No. 815, H. B. No. 388: A bill to be entitled an act for the protection of fisheries.

The following named bills, amendments and resolutions, reported as correctly engrossed by the Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence:

S. B. No. 843: A bill to be entitled an act to prevent discrimination in freight tariffs by railroad companies operating in this State.

S. B. No. 762: A bill to be entitled an act to incorporate Yadkin River Bridge and Turnpike Company.

S. B. No. 868: A bill to be entitled an act to call a Convention of the people of North Carolina.

S. B. No. 862: A bill to be entitled an act to amend chapter 137, laws of 1873–'74.

S. B. No. 855: A bill to be entitled an act concerning proceedings in bastardy.

S. B. No. 911: A bill to be entitled an act to amend section 34, sub-division 9, chapter 17, Battle's Revisal.

Senate amendments to S. B. No. 416, H. B. No. 331: A bill to be entitled an act to divest the jurisdiction of the Superior Courts over misdemeanors in failing to list polls and property, and for other purposes.

Senate amendments to S. B. No. 778, H. B. No. 415: 'A

bill to be entitled an act to incorporate the Western North Carolina Land and Colonization Company.

Senate amendment to S. B. No. 872, H. B. No. 525: A bill to be entitled an act to prevent the sale of intoxicating liquors within two and one half miles of Rocky River church, in Cabarrus county.

The following bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

An act in relation to the Western North Carolina Railroad.

An act to require the officers of the various counties to make reports of all moneys which may come into their hands.

An act to incorporate the Rutherford Manufacturing Company.

An act to allow the commissioners of Ashe county to levy a special tax.

An act to lay off and establish a public road in the counties of Wilkes and Alexander.

An act to incorporate the Fayetteville and Goldsboro' Railway Company.

On motion, the Senate adjourned until 7:30 P. M. to-day.

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## EVENING SESSION.

SENATE CHAMBER, March 13th, 1875.

The Senate met pursuant to adjournment at 7:30 P. M.

Mr. Williamson, from the Committee on Claims, reported H. R. No. 152, S. R. No. 940: Resolution in favor of Joseph Marshall, late sheriff of Stanly county, with a recommendation that it do pass. Placed on the calendar.

Also, H. R. No. 195, S. R. No. 931: Resolution in favor of G. J. Williams, late sheriff of Chatham county, with a recom-

mendation that it be referred to the Committee on Propositions and Grievances. The reference was so made.

From Committee on Corporations:

By Mr. Shaw, S. B. No. 281: A bill to be entitled an act for the better government and regulation of the city of Wilmington, and for other purposes, with a recommendation that it do not pass.

S. B. No. 858, H. B. No. 524: A bill to be entitled an act to amend the charter of the town of Winston, for the purpose of establishing graded schools, with a recommendation that it do not pass.

A bill on its third reading was acted upon, as follows:

S. B. No. 617, H. B. No. 455: A bill to be entitled an act to incorporate the "Shaw University." The bill was read.

The question recurring upon the motion to reconsider the vote by which the bill passed the third reading, it prevailed.

The question then recurring upon the amendment proposed by the Committee on Corporations, it prevailed, and the bill, as amended, passed the third time, the yeas and nays being dispensed with by consent.

The following bills and resolutions on second reading were read and passed the second time, and, under a suspension of the rules, read and passed the third time, the yeas and nays being dispensed with by consent:

H. B. No. 240, S. B. No. 744: A bill to be entitled an act to prevent the felling of trees or throwing obstructions in Big Bear creek, in Stanly county.

H. R. No. 152, S. R. No. 940: Resolution in favor of Joseph Marshall, late sheriff of Stanly county.

H. B. No. 786, S. B. No. 875: A bill to be entitled an act to extend the corporate limits of the town of Carthage, in the county of Moore.

S. B. No. 780, H. B. No. 355: A bill to be entitled an act to lay out and construct a public road from the Virginia line to the top of the Blue Ridge, in Alleghany county.

H. B. No. 356, S. B. No. 788: A bill to be entitled an act to change the line of the counties of Alleghany and Surry.

H. B. No. 358, S. B. No. 783: A bill to be entitled an act to lay out and construct a public road from Peach Bottom Copper Mine, in Alleghany county, to the Virginia line.

H. B. No. 544, S. B. No. 750: A bill to be entitled an act to incorporate the American Mining Company, in the county of Haywood.

H. B. No. 452, S. B. No. 791: A bill to be entitled an act to lay out and construct a public road through the counties of Watauga and Caldwell.

H. B. No. 448, S. B. No. 803: A bill to be entitled an act concerning Antioch Camp Ground, in Alleghany county, and to incorporate a board of trustees therefor.

S. B. No. 907: A bill to be entitled an act to prohibit the liquor traffic in certain localities.

H. B. No. 682, S. B. No. 890: A bill to be entitled an act to amend the charter of the Beaver Creek Manufacturing Company.

Bills, on second reading, were further acted upon, as follows:

S. B. No. 820: A bill to be entitled an act concerning the hunting of deer and other wild game, in the county of Moore. The bill was read the second time.

Mr. Standford offered an amendment.

Mr. Sneed moved to lay the bill on the table. The yeas and nays being required, the motion did not prevail. Yeas 11, nays 19.

*Affirmative*—Messrs. Bryan, Cantwell, N. S. Cook, French, Marler, Mills, Peebles, Selby, Shaw, Sneed and Taylor—11.

*Negative*—Messrs. Anderson, Bell, Boddie, Clement, Hargrave, Latham, Love, McCauley, McElroy, McMillan, Pegram, Smith, Standford, Stickney, Sugg, Waddell, Williamson, Worthy and Young—19.

Mr. Marler moved to indefinitely postpone the bill. The motion prevailed.

S. B. No. 649: A bill to be entitled an act to change the times of holding the courts in the First and Second Judicial Districts. The bill was read the second time.

The substitute, proposed by the Committee on Judiciary, was adopted.

Mr. Shaw moved to amend the substitute by striking out the whole of section one. The amendment prevailed.

On motion, the bill was made the special order for Tuesday night, at 8 P. M.

S. B. No. 854: A bill to be entitled an act to prohibit the hunting by fire-light, in Moore county. The bill was read the second time.

Mr. Standford offered an amendment, which prevailed.

Mr. Standford then offered an amendment, in the nature of a substitute for the bill, and it prevailed, and the bill passed the second time.

The bill was then read and passed the third time, the yeas and nays being dispensed with by consent.

Mr. Standford moved to reconsider the vote just had.

The motion prevailed, and the bill was placed on the calendar.

H. B. No. 703, S. B. No. 853: A bill to be entitled an act to authorize the mayor and commissioners of Elizabeth City, in the county of Pasquotank, to levy a special tax.

The bill was read and passed the third time. Yeas 29, nays none.

*Affirmative*—Messrs. Anderson, Bell, Boddie, Busbee, Cantwell, Clement, N. S. Cook, French, Hargrave, Jernigan, Latham, Love, Mabson, Marler, McCauley, McElroy, McMillan, Mills, Peebles, Pegram, Shaw, Smith, Sneed, Standford, Stickney, Sugg, Waddell, Worthy and Young—29.

*Negative*—None.

S. B. No. 826: A bill to be entitled an act to incorporate the Marion and Jefferson Turnpike Company. The bill was read the second time.

The amendment proposed by the Committee on Internal Improvements prevailed.

Mr. McMillan offered an amendment, which was adopted. The bill, as amended, then passed the second time.

On motion, the rules were suspended, and the bill was read and passed the third time, the yeas and nays being dispensed with by consent.

S. B. No. 624: A bill to be entitled an act concerning Fire Companies, &c. The bill was read the second time.

Mr. Love moved that the bill be laid upon the table. The motion prevailed.

S. B. No. 801, H. B. No. 527: A bill to be entitled an act for the relief of Mike Woods, of Wayne county. The bill was read the second time.

The amendments proposed by the Committee on Propositions and Grievances prevailed, and the bill passed the second time.

On motion, the rules were suspended, and the bill was read and passed the third time, the yeas and nays being dispensed with by consent.

S. B. No. 799, H. B. No. 620: A bill to be entitled an act to authorize the board of commissioners of Watauga county to re-establish burnt or lost records of their court. The bill was read the second time.

The amendment proposed by the Committee on Judiciary prevailed, and the bill passed second time.

On motion, the rules were suspended, and the bill was read and passed the third time, the yeas and nays being dispensed with by consent.

The Senate adjourned until 10 A. M. Monday.

## SEVENTY-NINTH DAY.

SENATE CHAMBER, March 15th, 1875.

On motion, the reading of the Journal of yesterday was dispensed with.

Leaves of absence were granted as follows:

To Mr. Shaw, indefinite leave from to-day;

To Mr. Albright, indefinite leave from to-day;

To Mr. Selby, indefinite leave from to-day.

A message was received from the House of Representatives, transmitting engrossed amendment to S. B. No. 601, H. B. No. 625: A bill to be entitled an act providing for a fence law in the counties of Union and Anson, which was concurred in.

Also, engrossed amendment to S. B. No. 313, H. B. No. 292: A bill to be entitled an act to create another township in Burke county, which was concurred in.

Also, engrossed amendment to S. B. No. 619, H. B. No. 722: A bill to be entitled an act for the relief of disabled soldiers, which was, on motion, referred to the Committee on Finance.

Reports from Standing Committees were submitted as follows:

From Committee on Corporations:

By Mr. Busbee, S. B. No. 922: A bill to be entitled an act in relation to changing of gauge of railroads, with accompanying amendments.

S. B. No. 924, H. B. No. 702: A bill to be entitled an act to incorporate the Vestry of Calvary church, at Wadesboro, North Carolina, with a recommendation that it do pass.

S. B. No. 929, H. B. No. 599: A bill to be entitled an act to incorporate the town of Woodville, in the county of Perquimans, with a recommendation that it do not pass.

From Committee on Propositions and Grievances:

By Mr. Latham, S. B. No. 909, H. B. No. 417: A bill to be entitled an act concerning inspectors of timber, with a recommendation that it do pass.

S. B. No. 919: A bill to be entitled an act to prohibit the sale of liquor within three miles of St. Francis and Grace churches in Woodville, Bertie county, with a recommendation that it do pass.

S. B. No. 928, H. B. No. 792: A bill to be entitled an act to authorize the county commissioners of Macon county to levy a special tax, with a recommendation that it do pass.

From Committee on Judiciary:

By Mr. Morehead, S. B. No. 789, H. B. No. 679: A bill to be entitled an act to regulate the taking of fish in the waters of New river, in the county of Onslow, with a recommendation that it do not pass.

From Committee on Penal Institutions:

By Mr. Marler, S. B. No. 379: A bill to be entitled an act to authorize the hire of convict labor in the State's prison and to regulate the same, with a recommendation that the bill be indefinitely postponed.

On motion, the bill was indefinitely postponed.

S. B. No. 918: A bill to be entitled an act to provide for the employment of convicts in the county jails, and for other purposes, with accompanying amendments.

From Committee on Finance:

By Mr. Standford, S. R. No. 768: Resolution of instruction to Public Treasurer concerning deposits, with a recommendation that it do pass.

The following named bills and resolutions were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows:

By message from the House of Representatives, H. B. No. 856, S. B. No. 946: A bill to be entitled an act to facilitate the trial of actions in the nature of *quo warranto*. Placed on the calendar.

H. B. No. 207: A bill to be entitled an act to amend sub-

division 2, section 35, chapter 193, laws of 1871–'72, as brought forward in Battle's Revisal, sub-section 2, section 4, chapter 37. To the Committee on Judiciary.

H. R. No. 166: Resolution in relation to the Chesapeake and Albemarle Canal Company. Placed on the calendar.

By Mr. Parish: A bill to be entitled an act to authorize the commissioners of Orange county to issue bonds to repair bridges. Placed on the calendar.

By Mr. Cantwell: A bill to be entitled an act to provide for a State Library and Supreme Court buildings at Raleigh. To the Committee on Public Buildings and Grounds.

By Mr. C. M. Cooke: A bill to be entitled an act in regard to selling or giving away any spirituous liquors on the Sabbath day. Placed on the calendar.

By Mr. Mabson: Resolution in regard to the insane. To the Committee on Insane Asylum.

By Mr. Marler: Resolution in favor of Thomas Stevens. To the Committee on Claims.

By Mr. C. M. Cooke: Resolution in regard to dead North Carolina soldiers buried in other States. Read and adopted.

Bills, on third reading, were acted upon, as follows:

S. B. No. 281: A bill to be entitled an act for the better government and regulation of the city of Wilmington, and for other purposes. The bill was read the third time.

Mr. Cantwell offered an amendment.

Pending its consideration, Mr. Marler moved to lay the bill on the table. The motion prevailed.

H. B. No. 703, S. B. No. 853: A bill to be entitled an act to authorize the mayor and commissioners of Elizabeth City, in the county of Pasquotank, to levy a special tax. The bill was read and passed the third time. Yeas 31, nays none.

*Affirmative*—Messrs. Albright, Anderson, Bell, Boddie, Cantwell, Cashwell, Clement, N. S. Cook, French, Hargrave, Irwin, Jenkins, Jernigan, Latham, Love, Marler, McCauley, McMillan, Mills, Morehead, Parish, Peebles, Pegram, Selby,

Shaw, Sneed, Stickney, Sugg, Walker, Williamson and Worthy—31.

*Negative*—None.

S. B. No. 854: A bill to be entitled an act to prohibit the hunting by fire-light in Moore county.

The bill was read and passed the third time, the yeas and nays being dispensed with by consent.

H. B. No. 451, S. B. No. 885: A bill to be entitled an act to incorporate the Norfolk, Roxboro' and Greensboro' Railroad Company.

The bill was read and passed the third time, the yeas and nays being dispensed with by consent.

Bills on second reading were further acted on, as follows:

S. B. No. 922: A bill to be entitled an act in relation to changing of gauge of railroads. The bill was read the second time.

The amendment proposed by the Committee on Corporations prevailed.

Mr. Busbee offered an amendment, which prevailed.

Mr. French offered an amendment, which prevailed, and the bill passed the second time.

On motion, the rules were suspended, and the bill read and passed the third time, the yeas and nays being dispensed with by consent.

H. B. No. 679, S. B. No. 789: A bill to be entitled an act to regulate the taking of fish in the waters of New river, in the county of Onslow. The bill was read the second time.

Mr. Standford offered an amendment, in the nature of a substitute, which prevailed, and the bill passed the second time.

On motion, the rules were suspended, and the bill read and passed the third time, the yeas and nays being dispensed with by consent.

H. B. No. 856, S. B. No. 946: A bill to be entitled an act to facilitate the trial of actions in the nature of *quo warranto*. The bill was read the second time.

Mr. Cantwell offered an amendment, which was rejected.

Mr. Cantwell offered an amendment, which prevailed, and the bill passed the second time.

On motion, the rules were suspended and the bill put on its final passage.

Pending its consideration, Mr. French moved the previous question.

The motion prevailed, the main question was ordered, and the bill passed its third reading, the yeas and nays being dispensed with by consent.

H. B. No. 792, S. B. No. 928: A bill to be entitled an act to authorize the county commissioners of Macon county to levy a special tax.

The bill was read and passed the second time. Yeas 34, nays none.

*Affirmative*—Messrs. Albright, Anderson, Boddie, Bryan, Busbee, Cantwell, Cashwell, Clement, N. S. Cook, French, Hargrave, Irwin, Jenkins, Jernigan, Latham, Love, Marler, McCauley, McElroy, McMillan, Mills, Morehead, Parish, Peebles, Pegram, Selby, Shaw, Standford, Stickney, Sugg, Taylor, Walker, Worthy and Young—34.

*Negative*—None.

S. B. No. 860: A bill to be entitled an act to prevent obstructions in Moore's creek.

The bill was read the second time, and rejected.

S. B. No. 802, H. B. No. 385: A bill to be entitled an act in relation to the registration of deeds and other papers in certain cases. The bill was read the second time.

Mr. Busbee offered an amendment, which prevailed; and the bill passed the second time.

On motion, the rules were suspended, and the bill read and passed the third time, the yeas and nays being dispensed with by consent.

S. B. No. 763: A bill to be entitled an act to amend section 9, chapter 65, of Battle's Revisal.

The bill was read and passed the second time.

H. B. No. 548, S. B. No. 752: A bill to be entitled an act authorizing the commissioners of Pitt county to levy a special tax.

The bill was read and passed the second time. Yeas 37, nays none.

*Affirmative*—Messrs. Albright, Anderson, Boddie, Bryan, Busbee, Cantwell, Cashwell, Clement, C. M. Cooke, N. S. Cook, French, Hargrave, Irwin, Jernigan, Latham, LeGrand, Love, Marler, McCauley, McElroy, McMillan, Mills, Morehead, Parish, Peebles, Pegram, Selby, Shaw, Sneed, Standford, Stickney, Sugg, Taylor, Walker, Williamson, Worthy and Young—37.

*Negative*—None.

H. B. No. 169, S. B. No. 415: A bill to be entitled an act to punish swindling at agricultural fairs.

On motion, the bill was laid upon the table.

The following bills, on second reading, were read and passed the second time; and, on motion, the rules were suspended, and the bills read and passed the third time, the yeas and nays being dispensed with by consent:

S. B. No. 719: A bill to be entitled an act to amend an act edtitled "an act to charter the Scotland Neck and Weldon Railroad and Steamboat Company."

S. B. No. 781, H. B. No. 610: A bill to be entitled an act concerning banking institutions in this State.

S. B. No. 919: A bill to be entitled an act to prohibit the sale of liquor within three miles of St. Francis and Grace churches, in Woodville, Bertie county.

S. B. No. 902: A bill to be entitled an act to incorporate the town of Littleton, in the counties of Halifax and Warren.

S. B. No. 800, H. B. No. 391: A bill to be entitled an act to change the dividing line between Craven and Pamlico counties.

S. B. No. 839: A bill to be entitled an act to establish a new township in the county of Chowan, and for other purposes.

S. B. No. 924, H. B. No. 702: A bill to be entitled an act

to incorporate the Vestry of Calvary church, at Wadesboro, North Carolina.

S. B. No. 893, H. B. No. 636: A bill to be entitled an act to incorporate Balfour Lodge, Free and Accepted Masons, in the town of Ashboro, county of Randolph.

Resolutions were acted on as follows:

H. R. No. 166, S. R. No. 953: Resolution in relation to the Chesapeake and Albemarle Canal Company.

Mr. Standford offered an amendment, which prevailed.

S. R. No. 716: Resolution petitioning Congress in favor of the Southern Methodist Publishing House. The resolution was read and adopted.

At 12 M. the Chair announced the special order for that hour, to-wit, S. B. No. 686: A bill to be entitled an act to amend an act entitled an act to amend the charter of the North Carolina Railroad Company, and for other purposes mentioned therein, ratified 10th day of February, 1874.

On motion, re-committed to the Committee on Internal Improvements.

The following bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

An act concerning applications for prohibition of the sale of spirituous liquors or repeal of prohibitory laws in this State.

An act to incorporate the town of Mount Mourne, in Iredell county.

An act authorizing the commissioners of Rockingham county to issue bonds for the purpose of re-constructing and repairing a bridge in said county.

An act to provide for the removal of the county site of Johnston county.

An act to incorporate Eno Grange, No. 134, Patrons of Husbandry.

An act to amend chapter 29, laws of 1871–'72, and chapter 36, amendatory thereof, session of 1873–'74.

Resolution in favor of J. H. Enniss.

An act to attach the county of Watauga to the 10th Judicial District, and to change the times of holding the Superior Courts in certain counties in said district.

An act to incorporate Olive Branch Lodge, No. 37, Independent Order of Odd Fellows.

Resolution as to vacant lots in the city of Raleigh belonging to the State.

An act to amend an act to incorporate the Georgia and North Carolina Railroad Company, ratified the 31st March, 1871.

Resolution to pay J. E. Morris money.

An act for the relief of Brice Harralson, of Caswell county.

An act to prohibit the sale of intoxicating drinks within one mile of the court house of Dallas, Gaston county.

An act to provide for payment of costs and other indemnity of officers in certain cases.

The following named bills, amendments and resolutions, reported as correctly engrossed by Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence :

S. R. No. 817: Resolution in favor of Sarah E. Wilder, executrix.

S. R. No. 830 : Resolution concerning the Albemarle and Chesapeake Canal Company.

S. B. No. 793 : A bill to be entitled an act to incorporate the Ridgeway Cemetery Association.

Senate amendments to S. B. No. 786, H. B. No. 481 : A bill to be entitled an act for the benefit of farmers in the Murphy Swamp and Carver's Neck, Rockfish township, in Cumberland county.

Senate amendments to H. B. No. 856, S. B. No. 946 : A bill to be entitled an act to facilitate the trial of actions in the nature of *quo warranto.*

The Senate adjourned until to-day 7:30 P. M.

## EVENING SESSION.

SENATE CHAMBER, March 15th, 1875.

The Senate met pursuant to adjournment at 7:30 P. M.

Bills, on second reading, were acted upon as follows:

H. B. No. 323, S. B. No. 479: A bill to be entitled an act to define the powers of foreign trustees. The bill was indefinitely postponed.

S. B. No. 491: A bill to be entitled an act to amend chapter 60, laws of 1873–'74. The bill was read the second time.

The substitute proposed by the Committee on Judiciary was adopted, and the bill passed the second time.

On motion, the rules were suspended, and the bill was read and passed the third time, the yeas and nays being dispensed by consent.

S. B. No. 507: A bill to be entitled an act to protect insane not provided for in the State institution. The bill was indefinitely postponed.

S. B. No. 556: A bill to be entitled an act in relation to lands sold for taxes, and other purposes. The bill was indefinitely postponed.

S. B. No. 615: A bill to be entitled an act to repeal chapter 138, laws of 1871–'72.

The bill was read and passed the second time; and, on motion, made the special order for to-morrow, at 12 o'clock.

S. B. No. 632: A bill to be entitled an act to amend section 69, chapter 32, Battle's Revisal.

On motion, re-committed to the Committee on Judiciary.

S. B. No. 668, H. B. No. 87: A bill to be entitled an act to amend chapter 90, section 21, laws 1872–'73, as brought forward in Battle's Revisal, chapter 68, section 47.

The bill was read and passed the second time.

On motion, the rules were suspended, the bill read and

passed the third time, the yeas and nays being dispensed with by consent.

S. B. No. 674: A bill to be entitled an act forbidding any white person to hire white children to any person of African descent, and forbidding negroes or persons of African descent to seize unprotected white orphans and hold them in slavery.

On motion, the bill was re-committed to the Committee on Judiciary.

S. B. No. 818: A bill to be entitled an act to established a colored branch asylum for the insane at Wilmington, N. C. The bill was read the second time.

The question recurring on the amendment proposed by the Committee on Insane Asylum,

Mr. Tucker moved to postpone the further consideration of the bill, and make it the special order for to-morrow at 2 o'clock. The motion did not prevail.

Mr. Mabson moved to re-commit the bill. The motion did not prevail.

The question recurring upon the amendment proposed by the Committee on Insane Asylum, a division of the question was called for.

The question then recurring first on the motion to strike out $30,000, it prevailed.

The question next recurring upon the motion to insert $25,500, Mr. Morehead moved to insert $10,000, and Mr. French moved to insert $5,500.

Pending the consideration of the motion to insert, Mr. Anderson moved to lay the bill on the table. The yeas and nays being required, the motion did not prevail. Yeas 9, nays 29.

*Affirmative*—Messrs. Anderson, Boddie, Busbee, Clement, Latham, McCauley, Parish, Waddell and Williamson—9.

*Negative*—Messrs. Bryan, Cantwell, Cashwell, C. M. Cooke, N. S. Cook, French, Hargrave, Irwin, Jenkins, Kerr, LeGrand, Love, Mabson, Marler, McElroy, McMillan, Mills, Morehead, Paschall, Peebles, Pegram, Smith, Sneed, Standford, Stickney, Sugg, Tucker, Walker and Worthy—29.

The question then recurring on the motion to insert $25,500, and the yeas and nays being required, it did not prevail. Yeas 6, nays 34.

*Affirmative*—Messrs. Bryan, Cantwell, Cashwell, C. M. Cooke, Mills and Sneed—6.

*Negative*—Messrs. Anderson, Bell, Boddie, Busbee, Clement, N. S. Cook, French, Hargrave, Irwin, Jenkins, Latham, LeGrand, Love, Mabson, Marler, McCauley, McElroy, McMillan, Morehead, Parish, Paschall, Peebles, Pegram, Shaw, Smith, Standford, Stickney, Sugg, Tucker, Waddell, Walker, Williamson, Worthy and Young—34.

The question next recurring on the motion to insert $10,000, the yeas and nays were required, and the motion prevailed. Yeas 24, nays 13.

*Affirmative*—Messrs. Bryan, Busbee, Cantwell, Cashwell, C. M. Cooke, Hargrave, Irwin, Jenkins, LeGrand, Love, Mabson, McElroy, Mills, Morehead, Paschall, Peebles, Pegram, Sneed, Standford, Stickney, Sugg, Walker and Worthy—24.

*Negative*—Messrs. Boddie, Clement, N. S. Cook, French, Latham, McCauley, McMillan, Parish, Shaw, Smith, Waddell, Williamson and Young—13.

The question then recurred on the amendment proposed by the Committee on Insane Asylum, as amended.

Mr. French moved to amend the amendment, and it prevailed.

Mr. Hargrave offered an amendment, which prevailed, and the committee's amendment, as amended, was then adopted.

Mr. Tucker offered an amendment, which was rejected.

The question then recurring on the passage of the bill on its second reading, the yeas and nays were required, and the bill was rejected. Yeas 15, nays 24.

*Affirmative*—Messrs. Bryan, Cantwell, Cashwell, C. M. Cooke, Hargrave, Irwin, Jenkins, Kerr, Love, McElroy, Mills, Morehead, Peebles, Shaw and Walker—15.

*Negative*—Messrs. Anderson, Boddie, Busbee, Clement, N. S. Cook, French, Latham, LeGrand, Mabson, Marler, McCau-

ley, McMillan, Parish, Paschall, Pegram, Smith, Standford, Stickney, Sugg, Tucker, Waddell, Williamson, Worthy and Young—24.

A message was received from the House of Representatives transmitting engrossed amendment to S. B. No. 922, H. B. No. 863: A bill to be entitled an act in relation to changing gauge of railroads. The amendment was concurred in.

Mr. Busbee introduced a bill to annex a portion of Johnston county to the county of Wake, which was read and passed the first time, and, on motion, the rules were suspended, and the bill was read and passed the second and third times, the yeas and nays being dispensed with by consent.

Leaves of absence were granted Messrs. Waring and Graham for to-day.

A message was received from the House of Representatives informing the Senate that the House had refused to concur in the Senate amendment to H. B. No. 481, S. B. No. 781: A bill to be entitled an act for the benefit of the farmers in the Murphy Swamp and Carver's Neck, Rockfish township, in Cumberland county, and asking a Committee of Conference on the same.

The request was acceded to, and the Chair designated Messrs. Pegram and French as the Senate branch of said committee.

A message was received from the House of Representatives, transmitting information that the House had refused to concur in Senate amendments to H. B. No. 856, S. B. No. 946: A bill to be entitled an act to facilitate the trial of actions in the nature of *quo warranto*, and asking a committeee of conference thereon.

On motion of Mr. French, the Senate receded from its amendment.

Mr. Standford, from the Committee on Finance, reported S. R. No. 914: Resolution requesting Congress to issue $500,000,000 legal tender notes, &c., with a recommendation that the bill do pass.

Also, engrossed amendment to S. B. No. 619, H. B. No. 722: A bill to be entitled an act for the relief of disabled soldiers, with the recommendation that the Senate concur in the first amendment, with the addition of the words "of North Carolina," after the word "soldier," and that the Senate do not concur in the second amendment.

Mr. Standford moved that the Senate adopt the report of the Committee on Finance.

Pending the consideration of this motion, the Senate adjourned until 11 A. M. to-morrow.

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## EIGHTIETH DAY.

SENATE CHAMBER, March 16th, 1875.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Marshall.

The reading of the Journal of yesterday was, on motion, dispensed with.

Indefinite leaves of absence were granted Messrs. Bell, Holton, Stickney, Waring and Graham.

At 11 A. M., the Chair announced the special order for that hour, to-wit:

S. B. No. 703: A bill to be entitled an act to facilitate the construction of telegraph lines.

The bill was read and passed the second time; and, on motion, the rules were suspended, and the bill read and passed the third time, the yeas and nays being dispensed with by consent.

Mr. Standford moved to reconsider the vote by which S. B. No. 818: A bill to be entitled an act to establish a colored branch asylum for the insane at Wilmington, N. C., was re-

jected yesterday. The motion was ordered to be placed on the calendar.

Mr. McCauley moved to take from the table S. B. No. 733: A bill to be entitled an act to authorize John J. Hasty, former sheriff of Union county, to collect arrears of taxes, and refer it to the Committee on Propositions and Grievances. The motion prevailed.

Reports from Standing Committees were submitted as follows:

From Committee on Insurance:

By Mr. French, S. B. No. 446, H. B. No. 320: A bill to be entitled an act to amend sections 42, 43 and 44, chapter 199, laws of 1871–'72, brought forward in Battle's Revisal, chapter 26, sections 42, 43 and 44, in relation to insurance companies, with accompanying amendments.

On motion, the bill was made the special order for to-day at 8 P. M.

From Committee on Military Affairs:

By Mr. McElroy, S. R. No. 643: Resolution concerning the State Arsenal at Fayetteville, with a recommendation that it do not pass.

From Committee on Insane Asylum:

By Mr. Mills, S. R. No. 846: Resolution in favor of a branch insane asylum of the State near Tarboro', Edgecombe county, with a recommendation that it do not pass. Indefinitely postponed.

S. B. No. 888, H. B. No. 779: A bill to be entitled an act to provide for the erection of a new kitchen and store-house room at the Insane Asylum, with a recommendation that it do pass.

S. B. No. 912: A bill to be entitled an act to establish a branch asylum in the city of Newbern, North Carolina, with a recommendation that it do not pass.

S. R. No. 949: Resoluiion in regard to the insane, with a recommendation that it do pass.

From Committee on Banks and Currency:

By Mr. Peebles, S. B. No. 774, H. B. No. 250: A bill to be entitled an act to amend an act to incorporate the Fayetteville Building and Loan Association, ratified January 5th, 1872, with a recommendation that it do not pass.

From Committee on Propositions and Grievances:

By Mr. Latham, S. B. No. 927, H. B. No. 828: A bill to be entitled an act to prevent the sale of spirituous liquors in certain localities, with accompanying amendments.

S. B. No. 295, H. B. No. 247: A bill to be entitled an act for the relief of the sureties of T. F. Lee, late sheriff of Wake county, with a recommendation that it do pass.

S. R. No. 863: Resolution in favor of T. M. Carroll, of Halifax county, North Carolina, with accompanying amendments.

S. R. No. 931, H. R. No. 195: Resolution in favor of G. J. Williams, late sheriff of Chatham county, with a recommendation that it do pass.

From Committee on Judiciary:

By Mr. McElroy, S. B. No. 932, H. B. No. 723: A bill to be entitled an act to amend chapter 137, laws of 1873–'74, with a request that the bill be referred to the Committee on Propositions and Grievances. The bill was so referred.

S. B. No. 674: A bill to be entitled an act forbidding any white person to hire white children to any person of African descent, and forbidding negroes or persons of African descent to seize unprotected white orphans and hold them in slavery, with a recommendation that it do not pass. Laid on the table.

S. B. No. 934, H. B. No. 822: A bill to be entitled an act to amend chapter 329, laws of 1850–'51, with a recommendation that it do pass.

By Mr. C. M. Cooke, S. B. No. 906: A bill to be entitled an act to improve the laws of this State, with a recommendation that it do pass.

S. B. No. 937, H. B. No. 498: A bill to be entitled an act to amend chapter 61, section 54, of Battle's Revisal, with a recommendation that it do pass.

S. R. No. 941, H. R. No. 205: Resolution concerning an appeal to the Supreme Court of the United States, with a recommendation that it do pass.

S. B. No. 954, H. B. No. 207: A bill to be entitled an act to amend sub-division 2, section 35, chapter 193, laws of 1871–'72, as brought forward in Battle's Revisal, sub-section 2 section 4, chapter 37, with a recommendation that it do pass.,

S. B. No. 632: A bill to be entitled an act to amend section 69, chapter 32, Battle's Revisal, with a recommendation that it do pass.

By Mr. Jernigan, S. B. No. 923, H. B. No. 384: A bill to be entitled an act to amend chapter 113, laws of 1868–'69, as brought forward in Battle's Revisal, chapter 45, section 115, with a recommendation that it do pass.

S. B. No. 942, H. No. 757: A bill to be entitled an act to amend chapter 32, section 17, of Battle's Revisal, with a recommendation that it do pass.

By Mr. Latham, S. B. No. 925, H. B. No. 676: A bill to be entitled an act to amend section 1, chapter 9, Battle's Revisal, with a recommendation that it do pass.

By Mr. Peebles, S. B. No. 728: A bill to be entitled an act to protect the rights of trial by jury, with a recommendation that it do pass.

S. B. No. 404: A bill to be entitled an act to protect sheep, with a recommendation that it do pass.

S. B. No. 933, H. B. No. 681: A bill to be entitled an act to amend section 9, chapter 112, Battle's Revisal, with a recommendation that it do not pass.

S. B. No. 325: A bill to be entitled an act to amend chapter 76, Battle's Revisal, with a recommendation that it do not pass.

S. B. No. 525, H. B. No. 263: A bill to be entitled an act to amend and re-enact chapter 31, section 104, of the Revised Code, concerning appeals from justices' courts, with a recommendation that it do pass.

S. B. No. 637: A bill to be entitled an act to alter the law of divorce, with a recommendation that it do not pass.

The following named bills and resolutions were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows:

By Mr. Kerr: A bill to be entitled an act to incorporate the Sampson County Agricultural Society. To the Committee on Corporations.

By Mr. McCanley: A bill to be entitled an act to incorporate the town of Polkton, in the county of Anson. To the Committee on Corporations.

By Mr. Cashwell: A bill to be entitled an act in relation to stock and fences. To the Committee on Agriculture, Mechanics and Mining.

By Mr. Standford: A bill to be entitled an act to repeal sections 40 and 41, of chapter 6, of Battle's Revisal. To the Committee on Insane Asylum.

By Mr. Busbee: Resolution in regard to the erection of a suitable building for a battery of artillery. Read and adopted.

By Mr. Sneed: Resolution to abolish the office of State Geologist. To the Committee on Agriculture, Mechanics and Mining.

By message from the House of Representatives, H. B. No. 647: A bill to be entitled an act to raise revenue. Ordered to be printed, and, on motion, made the special order for tomorrow at 12:30 P. M., and every day thereafter at 12 M. until disposed of.

H. B. No. 836: A bill to be entitled an act to amend chapter 137, laws of 1873–'74. Placed on the calendar.

H. B. No. 837: A bill to be entitled an act to authorize the farming out of convicts. To the Committee on Penal Institutions.

H. R. No. 209: Resolution in favor of James Farris and James Lumley. To the Committee on Claims.

H. B. No. 800: A bill to be entitled an act to amend section 17, chapter 2, Battle's Revisal, entitled "agriculture and geol-

ogy." To the Committee on Agriculture, Mechanics and Mining.

H. R. No. 215: Resolution of instruction to State Treasurer. To the Committee on Finance.

H. R. No. 187: Resolution in regard to the American Centennial. To the Committee on Centennial.

H. B. No. 661: A bill to be entitled an act to incorporate the Grange Bank, of Cumberland county. To the Committee on Banks and Currency.

H. B. No. 780: A bill to be entitled an act to prevent the netting of birds in the county of Forsythe. To the Committee on Agriculture, Mechanics and Mining.

H. B. No. 832: A bill to be entitled an act supplemental to an act entitled "an act to compromise, commute and settle the State debt." To the Committee on the Public Debt.

H. B. No. 827: A bill to be entitled an act to incorporate the Piedmont and Yadkin Valley Railroad Company. To the Committee on Internal Improvements.

Bills on third reading were acted upon as follows:

H. B. No. 548, S. B. No. 752: A bill to be entitled an act authorizing the commissioners of Pitt county to levy a special tax.

The bill was read and passed the third time. Yeas 37, nays none.

*Affirmative*—Messrs. Bell, Boddie, Bryan, Busbee, Cashwell, Clement, C. M. Cooke, N. S. Cook, French, Hargrave, Irwin, Jernigan, Kerr, Latham, LeGrand, Love, Mabson, Marler, McCanley, McElroy, McMillan, Mills, Parish, Paschall, Peebles, Pegram, Selby, Smith, Standford, Stickney, Sugg, Taylor, Tucker, Waddell, Walker, Worthy and Young—37.

*Negative*—None.

S. B. No. 763: A bill to be entitled an act to amend section 9, chapter 65, of Battle's Revisal.

The bill was read and passed the third time, the yeas and nays being dispensed with by consent.

At 12 M. the Chair announced the special order for that hour, to-wit :

S. B. No. 615 : A bill to be entitled an act to repeal chapter 138, laws of 1871–'72.

The bill was read the third time, and rejected. Yeas 9, nays 25.

*Affirmative*—Mr. President, Messrs. Anderson, Bell, LeGrand, McElroy, Mills, Waddell, Walker and Worthy—9.

*Negative*—Messrs. Cantwell, Clement, C. M. Cooke, N. S. Cook, French, Hargrave, Irwin, Jernigan, Kerr, Latham, Love, Marler, McCauley, McMillan, Morehead, Paschall, Peebles, Pegram, Selby, Smith, Sneed, Standford, Taylor, Tucker and Worthy—25.

Bills on second reading were acted upon as follows:

S. B. No. 728 : A bill to be entitled an act to protect the right of trial by jury. The bill was read the second time.

Mr. Cashwell offered an amendment, which did not prevail.

Mr. Cantwell offered an amendment, which was rejected.

Mr. C. M. Cooke offered an amendment, which prevailed.

Mr. Jernigan offered an amendment, which prevailed.

The yeas and nays being required, the bill passed the second time. Yeas 28, nays 10.

*Affirmative*—Messrs. Anderson, Boddie, Busbee, Cashwell, Clement, C. M. Cooke, French, Hargrave, Irwin, Jernigan, Latham, LeGrand, Marler, McElroy, McMillan, Morehead, Parish, Peebles, Pegram, Smith, Standford, Stickney, Sugg, Taylor, Waddell, Williamson, Worthy and Young—28.

*Negative*—Messrs. Bryan, Cantwell, N. S. Cook, Love, Mabson, McCauley, Mills, Paschall, Sneed and Walker—10.

On motion, the rules were suspended, and the bill read and passed the third time, the yeas and nays being dispensed with by consent.

S. B. No. —, H. B. No. 836 : A bill to be entitled an act to amend chapter 137, laws of 1873–'74. The bill was read and passed the second time.

On motion, the rules were suspended, and the bill was read

and passed the third time, the yeas and nays being dispensed with by consent.

S. B. No. 824: A bill to be entitled an act authorizing a specific appropriation for the erection of the Penitentiary. The bill was read and passed the second time.

S. B. No. 921: A bill to be entitled an act to require certain statements of public receipts and disbursements of public moneys. The bill was read the second time.

Mr. Love offered an amendment, which did not prevail, and the bill passed the second time.

On motion, the rules were suspended, and the bill put on its final passage.

Pending its consideration, on motion of Mr. Love, it was postponed and made the special order for to-morrow at 12 M.

S. B. No. 952: A bill to be entitled an act to authorize the commissioners of Orange county to issue bonds to repair bridges. The bill was read the second time.

The yeas and nays being required, the bill passed the second time. Yeas 31, nays none.

*Affirmative*—Messrs. Anderson, Boddie, Busbee, Cashwell, Clement, C. M. Cooke, N. S. Cook, French, Hargrave, Irwin, Jenkins, Jernigan, Kerr, Latham, Love, Marler, McElroy, McMillan, Mills, Parish, Paschall, Pegram, Selby, Smith, Sneed, Standford, Sugg, Tucker, Williamson, Worthy and Young—31.

*Negative*—None.

H. B. No. 828, S. B. No. 927: A bill to be entitled an act to prevent the sale of spirituous liquors in certain localities. The bill was read the second time.

The question recurring on the amendment proposed by the Committee on Propositions and Grievances, Mr. C. M. Cooke offered an amendment to the amendment, which prevailed.

Mr. C. M. Cooke offered another amendment to the amendment, which prevailed.

Pending the further consideration of the bill, Mr. Morehead moved to re-commit the bill with the several amend-

ments offered, to the Committee on Propositions and Grievances.

The yeas and nays being required, the motion prevailed. Yeas 22, nays 15.

*Affirmative*—Messrs. Anderson, Boddie, Bryan, Busbee, Cashwell, French, Hargrave, Jernigan, Love, Marler, McMillan, Morehead, Pegram, Selby, Smith, Sneed, Standford, Stickney, Sugg, Tucker, Walker and Worthy—22.

*Negative*—Messrs. Clement, C. M. Cooke, N. S. Cook, Irwin, Jenkins, Kerr, Latham, Mabson, McCauley, McElroy, Parish, Paschall, Peebles, Waddell and Young—15.

The following bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

An act in relation to changing the gauge of railroads.

An act to amend the charter of the town of Durham.

An act to lay out and construct a public road through the counties of Watauga and Caldwell.

An act to compromise, commute and settle the State debt.

An act to amend the charter of the town of La Grange, in the county of Lenoir.

An act to incorporate the town of Weaversville, in the county of Buncombe.

An act concerning Antioch Camp Ground, in Alleghany county, and to incorporate a board of trustees therefor.

An act to incorporate the Western North Carolina Land and Colonization Company.

An act to change the line of the counties of Alleghany and Surry.

An act to incorporate the American Mining Company, in the county of Haywood.

An act to extend the corporate limits of the town of Carthage, in the county of Moore.

An act to lay out and construct a public road from Peach Bottom Coppermine, in Alleghany county, to the Virginia line.

An act to authorize the board of commissioners of Haywood county to levy a special tax.

An act to authorize the board of commissioners of Watauga county to re-establish burnt and lost records of their court.

An act to amend an act entitled an act to prevent live stock from running at large within Cabarrus and certain other counties, ratified 12th February, 1875.

An act to incorporate Nashville Lodge, No. 84, I. O. O. F., in Nash county.

An act to define the jurisdiction of the mayor or intendant of the towns of Salisbury and Louisburg.

An act to lay out and construct a public road from the Virginia line to the top of the Blue Ridge, in Alleghany county.

An act for the protection of birds in the county of Davidson, and certain other counties.

An act to prevent the sale of intoxicating liquors within two and one-half miles of Rocky River church, in Cabarrus county.

An act for the more effectual prosecution of offenders against the criminal laws of the State.

An act to authorize the county commissioners of Cherokee county to levy a special tax.

An act to punish breaking into uninhabited houses, with intent to commit a felony.

An act to prevent the felling trees or throwing obstructions in Big Bear creek, in Stanly county.

An act amendatory of the law concerning suits against railroad corporations.

Resolution in favor of Joseph Marshall, late sheriff of Stanly county.

Resolution in favor of witnesses in the matter J. Williams Thorne.

Resolution in favor of S. Trivett.

The following named bills, amendments and resolutions, reported as correctly engrossed by the Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence:

S. B. No. 829: A bill to be entitled an act to authorize the hire of convict labor in or outside of State's prison, and to regulate the same.

S. B. No. 703: A bill to be entitled an act to facilitate the construction of telegraph lines.

S. B. No. 728: A bill to be entitled an act to protect the right of trial by jury.

S. B. No. 826: A bill to be entitled an act to incorporate the Marion and Jefferson Turnpike Company.

S. B. No. 232: A bill to be entitled an act to lay off and establish a public road fram Horse Gap to the Virginia line.

S. B. No. 907: A bill to be entitled an act to prohibit the liquor traffic in certain localities.

S. B. No. 307: A bill to be entitled an act concerning pilots.

S. B. No. 380: A bill to be entitled an act to incorporate the "Beaufort and Neuse Navigation Trust."

Senate amendment to S. B. No. 890, H. B. No. 682: A bill to be entitled an act to amend the charter of the Beaver Creek Manufacturing Company.

Senate amendments to S. B. No. 801, H. B. No. 527: A bill to be entitled an act for relief of Mike Woods, of Wayne county.

Senate amendments to S. B. No. 617, H. B. No. 455: A bill to be entitled an act to incorporate "The Shaw University."

Senate amendments to H. R. No. 166, S. R. No. 953: Resolution in relation to the Albemarle and Chesapeake Canal Company.

Senate amendments to S. B. No. 859, H. B. No. 372: A bill to be entitled an act to incorporate the town of Franklinsville, in the county of Randolph.

The Senate adjourned until 7:30 P. M. to-day.

## EVENING SESSION.

SENATE CHAMBER, March 16th, 1875.

The Senate met pursuant to adjournment at 7:30 P. M.

Bills on second reading were acted upon as follows:

S. B. No. 325: A bill to be entitled an act to amend chapter 76, Battle's Revisal.

On motion, indefinitely postponed.

S. B. No. 404: A bill to be entitled an act to protect sheep.

On motion, laid upon the table.

S. B. No. 572: A bill to be entitled an act to protect the rights of third parties in attachments.

On motion, the bill was referred to the Committee on Judiciary.

S. B. No. 577: A bill to be entitled an act to prohibit the carrying of side arms.

On motion, laid upon the table.

S. B. No. 610: A bill to be entitled an act concerning corporations. Laid upon the table.

S. B. No. 632: A bill to be entitled an act to amend section 69, chapter 32, Battle's Revisal. The bill was read and passed the second time.

The rules were suspended, and the bill read and passed the third time, the yeas and nays being dispensed with by consent.

S. B. No. 637: A bill to be entitled an act to alter the law of divorce. Laid upon the table.

S. B. No. 896, H. B. No. 765: A bill to be entitled an act to incorporate the Wilmington Ice Company.

The bill was read and passed the second time.

On motion, the rules were suspended, and the bill was read and passed the third time, the yeas and nays being dispensed with by consent.

S. B. No. 960: A bill to be entitled an act to incorporate the town of Polkton, in the county of Anson.

The bill was read and passed the second time.

On motion, the rules were suspended, and the bill was read and passed the third time, the yeas and nays being dispensed with by consent.

A bill, on its third reading, was acted upon as follows:

H. B. No. 792, S. B. No. 928: A bill to be entitled an act to authorize the county commissioners of Macon county to levy a special tax.

The bill was read and passed the third time. Yeas 37, nays none.

*Affirmative*—Messrs. Anderson, Boddie, Busbee, Cantwell, Cashwell, Clement, C. M. Cooke, N. S. Cook, French, Graham, Hargrave, Irwin, Jenkins, Jernigan, Kerr, Latham, LeGrand, Love, Mabson, Marler, McElroy, McMillan, Morehead, Parish, Paschall, Pegram, Selby, Smith, Sneed, Standford, Stickney, Taylor, Tucker, Walker, Williamson, Worthy and Young—37.

*Negative*—None.

Special orders were acted upon as follows:

S. B. No. 649: A bill to be entitled an act to change the times of holding the courts in the first and second judicial districts.

On motion, the bill was postponed, and made the special order for to-morrow at 11:30 A. M.

S. B. No. 446, H. B. No. 320: A bill to be entitled an act to amend sections 42, 43 and 44, chapter 199, laws of 1871–'72, brought forward in Battle's Revisal, chapter 26, sections 42, 43 and 44, in relation to insurance companies. The bill was read the second time.

The question recurring on the amendments proposed by the Committee on Insurance, a division of the question was required, and the question recurred first on the first amendment to strike out "Secretary of State," wherever it occurs in the bill, and insert "State Treasurer" in lieu thereof.

The yeas and nay being required, the amendment did not prevail. Yeas 18, nays 22.

*Affirmative*—Messrs. Anderson, Boddie, Busbee, C. M.

Cooke, French, Graham, Irwin, Jenkins, Jernigan, Latham, LeGrand, Marler, McElroy, Pegram, Stickney, Sugg and Young—18.

*Negative*—Messrs. Bell, Cantwell, Cashwell, Clement, N. S. Cook, Hargrave, Kerr, Love, Mabson, McMillan, Morehead, Parish, Paschall, Selby, Sneed, Standford, Taylor, Tucker, Waddell, Walker, Williamson and Worthy—22.

The question next recurring on the second amendment proposed by the Committee on Insurance,

Mr. Irwin moved to re-commit the bill.

The yeas and nays being required, the motion did not prevail. Yeas 16, nays 23.

*Affirmative*—Messrs. Anderson, Boddie, Busbee, C. M. Cooke, French, Graham, Irwin, Jernigan, LeGrand, McCauley, McElroy, Pegram, Selby, Standford, Stickney and Waddell —16.

*Negative*—Messrs. Bell, Cantwell, Cashwell, Clement, N. S. Cook, Hargrave, Jenkins, Kerr, Latham, Love, Mabson, Marler, McMillan, Morehead, Parish, Paschall, Smith, Sneed, Taylor, Tucker, Walker, Williamson and Worthy—23.

Mr. Selby moved to reconsider the vote by which the Senate rejected the first amendment proposed by the Committee on Insurance. The motion did not prevail.

The question next recurred on the second amendment proposed by the committee, and it prevailed.

Mr. Kerr moved to reconsider the vote just had. The yeas and nays being required, the motion prevailed. Yeas 22, nays 13.

*Affirmative*—Messrs. Bell, Cantwell, Cashwell, Clement, N. S. Cook, French, Jernigan, Kerr, Love, Mabson, McElroy, McMillan, Parish, Paschall, Pegram, Sneed, Standford, Stickney, Tucker, Williamsom, Worthy and Young—22.

*Negative*—Messrs. Anderson, Boddie, Busbee, C. M. Cooke, Graham, Hargrave, Irwin, Jenkins, Latham, LeGrand, Smith, Waddell and Walker—13.

On motion, the Committee on Insurance were permitted to withdraw the amendments proposed by them.

Thereupon, Mr. Morehead offered an amendment to the bill which prevailed. Also an amendment, being the same offered by the Committee on Insurance, with the exception of section first.

Mr. Cantwell offered an amendment, which was rejected.

The bill then passed the second time.

On motion, the rules were suspended, and the bill read and passed the third time, the yeas and nays being dispensed with by consent.

Reports from Standing Committees were submitted as follows:

From Committee on Corporations:

By Mr. Busbee, S. B. No. 960: A bill to be entitled an act to incorporate the town of Polkton, in the county of Anson, with a recommendation that it do pass.

From Committee on Judiciary:

By Mr. C. M. Cooke, S. B. No. 938, H. B. No. 707: A bill to be entitled an act to amend section 252, chapter 17, Battle's Revisal, with a recommendation that it do pass.

The following named bills and resolutions were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows:

By message from the House of Representatives, H. B. No. 735: A bill to be entitled an act to amend chapter 45, section 8, laws of 1872–'73, as brought forward in Battle's Revisal, chapter 97, section 15. To the Committee on Judiciary.

The Senate then adjourned until 10 A. M. to-morrow.

## EIGHTY-FIRST DAY.

SENATE CHAMBER, March 17th, 1875.

Prayer by Rev. Dr. Pritchard.

The reading of the Journal was, on motion, dispensed with.

Mr. Hargrave moved to make S. B. No. 686: A bill to be entitled an act to amend an act entitled an act to amend the charter of the North Carolina Railroad Company, the special order for 8 P. M. to day.

Reports from Standing Committees were submitted as follows:

From Committee on Finance:

By Mr. Standford, S. R. No. 969: Resolution of instruction to Treasurer, with a recommendation that it do pass.

From Committee on Corporations:

By Mr. Busbee, S. B. No. 882, H. B. No. 583: A bill to be entitled an act to amend an act entitled "an act to incorporate the National Loan Trust Company, ratified the 4th day of March, A. D. 1867, and for other purposes therein set forth," with accompanying amendments.

H. B. No. 502, S. B. No. 901: A bill to be entitled an act to amend chapter 14, private laws of 1869–'70, with accompanying amendments.

H. B. No. 470, S. B. No. 898: A bill to be entitled an act to extend the time for the organization of certain corporations, with a recommendation that it do pass.

H. B. No. 664, S. B. No. 897: A bill to be entitled an act to amend section 1, chapter 14, of private laws of 1870–'71, to re-enact the same, with a recommendation that it do pass.

S. B. No. 956: A bill to be entitled an act to incorporate the Sampson County Agricultural Society, with a recommendation that it do pass.

From Committee on Banks and Currency:

By Mr. Cooke, of Franklin, S. B. No. 968, H. B. No. 661:

A bill to be entitled an act to incorporate the Grange Bank of Cumberland county, with accompanying amendments.

From Committee on Judiciary:

By Mr. Morehead, S. B. No. 599: A bill to be entitled an act to amend section 1, chapter 182, laws of 1873–'74, with a recommendation that it do pass.

H. B. No. 818, S. B. No. —: A bill to be entitled an act to authorize the board of commissioners of Cumberland county to refund their debt, with a recommendation that it do pass.

By Mr. Latham, S. B. No. 887, H. B. No. 336: A bill to be entitled an act concerning burnt and destroyed records of Watauga county, with a recommendation that it do pass.

By Mr. McElroy, S. B. No. 935, H. B. No. 675: A bill to be entitled an act to amend chapter 70, Battle's Revisal, with a recommendation that it do not pass.

H. B. No. 86, S. B. No. 939: A bill to be entitled an act to amend section 1, chapter 81, public laws of 1868–'69, with a recommendation that it do pass.

By Mr. Cooke, of Franklin: S. B. No. 823: A bill to be entitled an act to change the time of holding elections in this State, with a recommendation that it do pass.

S. B. No. 304: A bill to be entitled an act to allow ministers of the gospel of any denomination to vote at any voting place in any township in the county in which they reside, with a recommendation that it do not pass.

From Committee on Centennial:

By Mr. Cantwell, S. B. No. 575: A bill to be entitled an act concerning American Centennial, with a recommendation that it do pass.

S. R. No. 967, H. R. No. 187: Resolution in regard to the American Centennial, with a recommendation that it do pass.

S. R. No. 333, H. R. No. 82: Resolution concerning the Centennial Anniversary of Mecklenburg Declaration of Independence on the 20th of May, 1775, with a recommendation that it do pass.

From Committee on Agriculture, Mechanics and Mining:

By Mr. Selby, S. B. No. 970, H. B. No. 800: A bill to be entitled an act to amend section 17, chapter 2, Battle's Revisal, entitled Agriculture and Geology, with a recommendation that it do pass.

S. B. No. 966, H. B. No. 780: A bill to be entitled an act to prevent the netting of birds in the county of Forsythe, with a recommendation that it do pass.

S. R. No. 959: Resolution to abolish the office of State Geologist, with a recommendation that it do not pass.

S. B. No. 963: A bill to be entitled an act in relation to stock and fences, with a recommendation that it not pass.

From Committee on Claims:

By Mr. Williamson, S. R. No. 948: Resolution in favor of Thomas Stevens, with a recommendation that it do not pass.

S. R. No. 971, H. R. No. 209: Resolution in favor of James Farriss and James Lumley, with accompanying amendments.

From Committee on Propositions and Grievances:

By Mr. Latham, S. B. No. 927: A bill to be entitled an act to prevent the sale of spirituous liquors in certain localities, with accompanying amendments.

S. B. No. 932, H. B. No. 723: A bill to be entitled an act to amend chapter 137, laws of 1873–'74, with a recommendation that it do pass.

S. B. No. 733: A bill to be entitled an act to authorize John J. Hasty, former sheriff of Union county, to collect arrears of taxes, with accompanying amendments.

The following named bills and resolutions were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows:

By Mr. Busbee: A bill to be entitled an act to provide additional arms for military schools. Placed on the calendar.

By Mr. Paschall: A bill to be entitled an act concerning convicts. To the Committee on Penal Institutions.

By Mr. Cashwell: A bill to be entitled an act to amend the school laws. To the Committee on Education.

By Mr. Cooke, of Franklin: A bill to be entitled an act to

allow appeals from judgments of township boards of trustees granting cart-ways. To the Committee on Judiciary.

By message from the House of Representatives, H. B. No. 818: A bill to be entitled an act to authorize the board of commissioners of Cumberland county to re-fund their debt. To the Committee on Judiciary.

H. B. No. 841: A bill to be entitled an act to authorize the commissioners of Madison county to compromise their public debt. To the Committee on Finance.

H. B. No. 764: A bill to be entitled an act to incorporate the Dan River Navigation Company. To the Committee on Corporations.

H. B. No. 868: A bill to be entitled an act to repeal section 6 of an act entitled an act to empower the commissioners of the town of Wilmington to establish streets in said town, and for other purposes, &c., &c. To the Committee on Corporations.

H. B. No. 869: A bill to be entitled an act to ascertain the indebtedness of the different counties, cities and towns in the State, and prescribe a statute of limitations. To the Committee on Judiciary.

H. B. No. 826: A bill to be entitled an act to citizenize certain Indians belonging to the Eastern Band of Cherokees, in North Carolina. To the Committee on Judiciary.

H. B. No. 836: A bill to be entitled an act to amend chapter 137, laws of 1873–'74. To the Committee on Corporations.

H. B. No. 870: A bill to be entitled an act to repeal chapter 73, of the laws of 1873–'74. To the Committee on Judiciary.

A message was received from the House of Representatives transmitting H. B. No. 691: A bill to be entitled an act in relation to the land scrip fund for establishment of colleges for the benefit of agriculture and the mechanic arts, which had passed the House of Representatives.

The bill was read and passed the first time, and, on motion,

the bill was made the special order for to-morrow at 10:30 A. M.

A message was received from the House of Representatives transmitting engrossed House amendment to S. B. No. 816, H. B. No. 788: A bill to be entitled an act to authorize the commissioners of Washington county to levy a special tax for the purpose of building a court house.

The Senate refused to concur in the amendment.

Also, engrossed House amendment to S. B. No. 776, H. B. No. 774: A bill to be entitled an act to authorize the county commissioners of Franklin county to levy a special tax. The amendment was concurred in.

Also, engrossed House amendment to S. B. No. 660, H. B. No. 783: A bill to be entitled an act to incorporate the Snow Hill Branch Railroad Company. The amendment was concurred in.

Also, engrossed House amendment to S. B. No. 429, H. B. No. 578: A bill to be entitled an act to amend chapter 64, of Battle's Revisal.

The yeas and nays being required, the amendment was concurred in. Yeas 22, nays 9.

*Affirmative*—Messrs. Anderson, Boddie, Busbee, Cashwell, Clement, C. M. Cooke, Graham, Irwin, Jernigan, Kerr, Latham, LeGrand, Love, McElroy, McMillan, Pegram, Selby, Smith, Standford, Waddell, Williamson and Worthy—22.

*Negative*—Messrs. Bryan, Cantwell, N. S. Cook, Mabson, Paschall, Sneed, Taylor, Tucker and Walker—9.

A message was received from the House of Representatives transmitting a substitute for S. B. No. 747, H. B. No. 743: A bill to be entitled an act to amend an act passed at the present session of the General Assembly to change the time of holding the courts in the third judicial district. The Senate concurred in the amendment in the nature of a substitute.

At 12 M. the Senate went into executive session.

The Senate, sitting in executive session, having adjourned, the Senate resumed the consideration of general orders.

A bill on its second reading was acted upon, as follows:

S. B. No. 952: A bill to be entitled an act to authorize the commissioners of Orange county to issue bonds to repair bridges.

The bill was read and passed the third time. Yeas 31, nays none.

*Affirmative*—Messrs. Anderson, Boddie, Bryan, Busbee, Cantwell, Cashwell, C. M. Cooke, N. S. Cook, Graham, Hargrave, Irwin, Jenkins, Latham, Love, Mabson, Marler, McElroy, McMillan, Parish, Paschall, Pegram, Selby, Smith, Standford, Sugg, Taylor, Tucker, Walker, Williamson, Worthy and Young—31.

*Negative*—None.

Special orders were acted upon, as follows:

S. R. No. 916: Engrossed House resolution on *sine die* adjournment.

Mr. Irwin moved to postpone the further consideration of the resolution, and make it the special order for to-morrow at 7:30 P. M.

The yeas and nays being required, the motion did not prevail. Yeas 12, nays 26.

*Affirmative*—Messrs. Graham, Hargrave, Irwin, Jernigan, Love, McCauley, McElroy, Morehead, Parish, Pegram, Taylor and Young—12.

*Negative*—Messrs. Anderson, Boddie, Bryan, Busbee, Cantwell, Cashwell, Clement, C. M. Cooke, N. S. Cook, Jenkins, Kerr, Latham, LeGrand, Mabson, Marler, McMillan, Paschall, Selby, Smith, Sneed, Sugg, Tucker, Waddell, Walker, Williamson and Worthy—26.

The question recurring on the amendment proposed by Mr. Bell, Mr. Peebles offered an amendment to the amendment, which was rejected.

Mr. Cantwell offered an amendment to Mr. Bell's amendment.

Pending its consideration, Mr. Morehead moved to postpone

the further consideration of the resolution, and make it the special order for 8 P. M. to-morrow.

The yeas and nays being required, the motion prevailed. Yeas 27, nays 10.

*Affirmative*—Messrs. Boddie, Busbee, Cantwell, Cashwell, Graham, Hargrave, Irwin, Jernigan, Latham, Love, McCauley, McElroy, McMillan, Morehead, Parish, Paschall, Peebles, Pegram, Selby, Smith, Standford, Sugg, Tucker, Waddell, Williamson, Worthy and Young—27.

*Negative*—Messrs. Anderson, Bryan, Clement, C. M. Cooke, N. S. Cook, Jenkins, LeGrand, Mabson, Marler and Sneed—10.

H. B. No. 647, S. B. No. 957: A bill to be entitled an act to raise revenue. On motion, made the special order for to-night, at 7:30 o'clock.

S. B. No. 649: A bill to be entitled an act to change the time of holding the courts in the First and Second Judicial Districts. The bill was read the third time.

Mr. Peebles offered an amendment to the bill, and it was rejected.

The bill then passed the third time, the yeas and nays being dispensed with by consent.

Bills and resolutions on second reading were acted on, as follows:

H. R. No. 209, S. R. 971: Resolution in favor of James Farris and James Lumley.

The amendment proposed by the Committee on Claims prevailed.

Mr. Love moved to amend by striking out the allowance to James Farris and James Lumley.

The yeas and nays being required, the motion did not prevail. Yeas 13, nays 20.

*Affirmative*—Messrs. Anderson, Boddie, Clement, N. S. Cook, Hargrave, Irwin, Latham, Love, McMillan, Smith, Walker, Worthy and Young—13.

*Negative*—Mr. President, Messrs. Bryan, Busbee, Cantwell, Cashwell, C. M. Cooke, Graham, Jernigan, Kerr, Mabson,

McElroy, Parish, Paschall, Pegram, Sneed, Standford, Sugg, Taylor, Tucker and Williamson—20.

The question recurring upon the adoption of the resolution, as amended, and the yeas and nays being required, it prevailed. Yeas 22, nays 11.

*Affirmative*—Mr. President, Messrs. Bryan, Busbee, Cantwell, Cashwell, C. M. Cooke, N. S. Cook, Graham, Irwin, Jernigan, Kerr, Mabson, Marler, McElroy, Parish, Paschall, Pegram, Sneed, Sugg, Taylor, Tucker and Williamson—22.

*Negative*—Messrs. Anderson, Boddie, Clement, Hargrave, Latham, Love, McMillan, Smith, Walker, Worthy and Young—11.

S. B. No. 599: A bill to be entitled an act to amend section 1, chapter 182, of laws of 1873-'74. The bill was read and passed the second time.

S. B. No. 909, H. B. No. 417: A bill to be entitled an act concerning inspectors of timber. The bill was read the second time.

Mr. Cantwell offered an amendment, in the nature of a substitute.

Pending its consideration, Mr. Kerr moved to make the bill the special order to-morrow at 11 A. M. The motion prevailed.

S. B. No. 927, H. B. No. 828: A bill to be entitled an act to prevent the sale of spiritnous liquors in certain localities. The bill was read the second time.

The amendment proposed by the Committee on Propositions and Grievances was adopted.

Mr. Cantwell offered an amendment, which prevailed.

Mr. Peebles offered an amendment, which was adopted.

Mr. Busbee proposed an amendment, and it prevailed.

Mr. Boddie offered an amendment, and it was adopted.

The bill then passed the second time.

On motion, the rules were suspended, and the bill put on its final passage.

The bill was read the third time.

Mr. Peebles proposed to amend by striking out all the places in Northampton county named in the bill. The amendment prevailed.

Mr. LeGrand offered an amendment, which prevailed.

Mr. Taylor offered an amendment.

Pending its consideration, Mr. McElroy proposed to amend the amendment.

The amendment to the amendment prevailed, and the question recurring on the amendment, as amended, it was rejected and the bill passed the third time. Yeas 25, nays 12.

*Affirmative*—Messrs. Boddie, C. M. Cooke, N. S. Cook Graham, Hargrave, Irwin, Jenkins, Kerr, Latham, LeGrand, Mabson, McCauley, McElroy, McMillan, Morehead, Parish, Paschall, Selby, Smith, Standford, Sugg, Tucker, Williamson, Worthy and Young—25.

*Negative*—Messrs. Anderson, Bryan, Busbee, Cantwell, Cashwell, Clement, Love, Marler, Sneed, Taylor, Waddell and Walker—12.

S. R. No. 969: Resolution of instruction to the treasurer The resolution was read and adopted.

S. B. No. 956: A bill to be entitled an act to incorporate the Sampson County Agricultural Society.

The bill was read and passed the second and third times, the yeas and nays being dispensed with by consent.

S. B. No. —: A bill to be entitled an act to provide additional arms for military schools.

The bill was read and passed the second and third times, the yeas and nays being dispensed with by consent.

S. R. No. 949: Resolution in regard to the insane. The resolution was read.

Mr. Tucker offered an amendment which prevailed, and the resolution, as amended, was rejected.

S. B. No. 934, H. B. No. 822: A bill to be entitled an act to amend chapter 329, laws of 1850–'51. The bill was read and passed the second time.

The rules were suspended, and the bill read and passed the

third time, the yeas and nays being dispensed with by consent.

On motion, the order of the Senate making S. B. No. 823: A bill to be entitled an act to change the time of holding elections in this State in the year 1876, the special order for tomorrow at 12:30 P. M. was rescinded, and the bill put on its passage. The bill was read and passed the second time.

The bill was then read the third time.

The yeas and nays being required, the bill passed the third time. Yeas 22, nays 17.

*Affirmative*--Mr. President, Messrs. Boddie, Cashwell Clement, C. M. Cooke, French, Hargrave, Irwin, Jernigan, Kerr, Latham, Marler, McCauley, McMillan, Morehead, Peebles, Pegram, Selby, Smith, Waddell, Williamson and Worthy—22.

*Negative*—Messrs. Anderson, Bryan, Busbee, Cantwell, N. S. Cook, Graham, Jenkins, LeGrand, Love, Mabson, McElroy, Parish, Paschall, Sneed, Tucker, Walker and Young—17.

The following bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

An act to appoint trustees for Pleasant Retreat Academy, Lincolnton, N. C.

An act to authorize the county commissioners of Hyde county to levy a special tax.

An act to amend section 53, chapter 17, sub-chapter 4th of Battle's Revisal.

An act for the relief of Mike Woods, of Wayne county.

An act to authorize the boards of commissioners of Guilford and Rockingham counties to employ convict labor to drain certain lands in said counties.

An act for the relief of the securities of the late sheriff of Halifax county.

An act to incorporate the town of Franklinsville, in the county of Randolph.

An act to incorporate the Norfolk, Roxboro' and Greensboro' Railroad Company.

An act to amend the charter of Beaver Creek Manufacturing Company.

An act to facilitate the trial of actions in the nature of *quo warranto*.

An act to authorize the commissioners of Hertford county to issue bonds for the purpose of funding and paying the debts.

An act to amend the charter of North Carolina.

An act to provide for the collection of taxes by the State and the several counties of the State on property, polls, &c., known as the "Machinery Act."

An act for the protection of fisheries.

Joint resolution in relation to the Board of Public Charities.

An act to change the dividing line between Craven and Pamlico counties.

An act to amend chapter 90, section 21, laws 1872–'73, as brought forward in Battle's Revisal, chapter 68, section 17.

An act to amend an act entitled an act to incorporate the town of Rocky Mount, in the county of Edgecombe.

An act to protect fishing interest in Neuse river and Contentnea creek.

Resolution in relation to the Chesapeake and Albemarle Canal Company.

Joint resolution of inquiry in reference to deposits made by the State Treasurer.

Resolution concerning the out house of the Capitol.

An act to incorporate the town of Youngsville, in the county of Franklin.

Resolution in favor of Sarah E. Wilder, executrix.

An act to allow Catawba Springs township, in Lincoln county, an additional justice of the peace.

An act in regard to compromises.

An act to incorporate the Carolina Plumbago Company.

An act to provide for the additional terms of the Superior Court of Northampton and Halifax counties.

An act to incorporate the town of Albemarle, in the county of Stanly.

An act concerning banking institutions in this State.

An act to amend the charter of the city of Wilmington.

An act to authorize sale of certain street and alleys in the town of Shelby.

The following named bills, amendments and resolutions, reported as correctly engrossed by Committee on Engrossed Bills, were tronsmitted to the House of Representatives for concurrence :

S. B. No. 649: A bill to be entitled an act to change the times of holding the courts in the First and Second Judicial Districts.

S. B. No. 952: A bill to be entitled an act to authorize the commissioners of Orange county to issue bonds to repair bridges.

S. B. No. 919: A bill to be entitled an act to prohibit the sale of liquor within three miles of St. Frances and Grace churches, in Woodville, Bertie county.

S. B. No. 960: A bill to be entitled an act to incorporate the town of Polkton, in the county of Anson.

S. B. No. 902: A bill to be entitled an act to incorporate the town of Littleton, in the counties of Halifax and Warren.

S. B. No. 719: A bill to be entitled an act to amend an act entitled an act to charter the Scotland Neck and Weldon Railroad and Steamboat Company.

S. B. No. 854: A bill to be entitled an act to prohibit the hunting by fire light, in Moore county.

S. R. No. 947: Resolution in regard to dead North Carolina soldiers buried in other States.

S. B No. 955: A bill to be entitled an act to annex a portion of Johnston county to the county of Wake.

S. B. No. 632: A bill to be entitled an act to amend section 69, chapter 32, Battle's Revisal.

S. B. No. 491: A bill to be entitled an act to amend chapter 60, laws of 1873–'74.

S. R. No. 716: Resolution petitioning Congress in favor of the Southern Methodist Publishing House.

Senate amendments to H. B. No. 385, S. B. No. 802: A bill to be entitled an act in relation to the registration of deeds and other papers, in certain cases.

Senate amendments to S. B. No. 789, H. B. No. 679: A bill to be entitled an act to regulate the taking of fish in the waters of New river, in the county of Onslow.

Senate amendments to S. B. No. 446, H. B. No. 320: A bill to be entitled an act to amend sections 42, 43, 44, chapter 199, laws of 1871–'72, brought forward in Battle's Revisal, chapter 26, sections 42, 43, 44, in relation to insurance companies.

S. B. No. 818: A bill to be entitled an act to establish a colored branch insane asylum at Wilmington, North Carolina.

Thereupon, the Senate adjourned until 7:30 P. M. to-day.

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## EVENING SESSION.

SENATE CHAMBER, March 17th, 1875.

The Senate met pursuant to adjournment, at 7:30 P. M.

The Chair announced the special order for this hour, to wit: S. B. 957, H. B. No. 647: A bill to be entitled an act to raise revenue.

On motion, the special order was postponed fifteen minutes.

On motion, the motion to reconsider the vote by which the Senate rejected S. B. No. 818: A bill to be entitled an act to establish a colored branch asylum at Wilmington, N. C., was taken up, and the motion to reconsider prevailed.

The question recurring on the passage of the bill on its second reading, Mr. Standford offered an amendment, which prevailed.

Mr. Anderson offered an amendment, which was rejected.

Mr. Love offered an amendment, which was adopted.

Pending the further consideration of the bill, Mr. C. M.

Cooke moved the previous question, and the main question was ordered, and the bill passed the second time.

On motion, the rules were suspended, and the yeas and nays being required, the bill passed the third time. Yeas 26, nays 12.

*Affirmative*—Mr. President, Messrs. Boddie, Busbee, Cantwell, C. M. Cooke, Graham, Hargrave, Irwin, Jenkins, Jernigan, LeGrand, Love, McElroy, McMillan, Mills, Morehead, Pegram, Selby, Smith, Standford, Sugg, Taylor, Waddell, Walker, Worthy and Young—26.

*Negative*—Messrs. Anderson, Bryan, Clement, N. S. Cook, French, Latham, Mabson, Marler, McCauley, Parish, Paschall and Tucker—12.

Mr. Waddell, from the Committee on Internal Improvements, reported S. B. No. 926, H. B. No. 370: A bill to be entitled an act to amend the charter of the North Carolina Railroad Company, and to provide for the transferring the State's stock therein, with the recommendation that S. B. No. 920, be adopted as a substitute.

Mr. Love, from the Committee on Internal Improvements, reported H. B. No. 523, S. B. No. 523: A bill to be entitled an act to amend the charter of the North Carolina Railroad Company, and for other purposes therein mentioned, with accompanying amendment.

Mr. Walker introduced a bill to be entitled an act to require the Carolina Central Rail Company to complete its road to Rutherfordton. Read and referred to the Committee on Internal Improvements.

Mr. Peebles introduced a bill to regulate the sale of liquor in Northampton county, which was read and referred to the Committee on Propositions and Grievances.

At 8 P. M. the Chair announced that the hour had arrived for the special order, to-wit:

S. B. No. 957, H. B. No. 647: A bill to be entitled an act to raise revenue. The bill was read the second time.

Mr. Graham offered an amendment, which, the yeas and nays being required, was rejected. Yeas 14, nays 24.

*Affirmative*—Messrs. Busbee, Cantwell, French, Graham, Irwin, Jernigan, Morehead, Parish, Pegram, Smith, Standford, Sugg, Waddell and Williamson—14.

*Negative*—Messrs. Anderson, Boddie, Bryan, Clement, C. M. Cooke, N. S. Cook, Hargrave, Latham, LeGrand, Love, Mabson, Marler, McCauley, McElroy, McMillan, Mills, Paschall, Selby, Sneed, Taylor, Tucker, Walker, Worthy and Young—24.

Mr. Marler offered an amendment.

The yeas and nays being required, the amendment did not prevail. Yeas 11, nays 27.

*Affirmative*—Messrs. Boddie, Bryan, C. M. Cooke, N. S. Cook, French, Irwin, Marler, McMillan, Morehead, Parish and Sneed—11.

*Negative*—Messrs. Anderson, Busbee, Cantwell, Clement, Graham, Hargrave, Jenkins, Jernigan, Latham, LeGrand, Love, Mabson, McCauley, McElroy, Mills, Paschall, Pegram, Selby, Smith, Standford, Taylor, Tucker, Waddell, Walker, Williamson, Worthy and Young—27.

Mr. Busbee offered an amendment.

The yeas and nays being required, the amendment did not prevail. Yeas 5, nays 30.

*Affirmative*—Messrs. Busbee, Cantwell, French, Morehead and Standford—5.

*Negative*—Mr. President, Messrs. Anderson, Boddie, Clement, C. M. Cooke, N. S. Cook, Graham, Hargrave, Irwin, Jernigan, Latham, LeGrand, Love, Mabson, Marler, McCauley, McElroy, McMillan, Mills, Parish, Paschall, Selby, Smith, Sugg, Taylor, Tucker, Walker, Williamson, Worthy and Young—30.

Mr. N. S. Cook offered an amendment, which prevailed.

Mr. Cantwell moved to reconsider the vote just had. The motion prevailed.

Thereupon, Mr. Irwin offered an amendment to the amend-

ment, in the nature of a substitute. The amendment did not prevail.

The question recurring on Mr. Cook's amendment, it was rejected.

Mr. Cantwell offered an amendment, which was rejected.

The bill then passed the second time. Yeas 28, nays 6.

*Affirmative*—Messrs. Anderson, Boddie, Busbee, Cantwell, Clement, C. M. Cooke, French, Graham, Hargrave, Irwin, Jernigan, Kerr, Latham, LeGrand, Love, Marler, McCauley, McElroy, McMillan, Mills, Morehead, Parish, Pegram, Selby, Standford, Waddell, Worthy and Young—28.

*Negative*—Messrs. Bryan, N. S. Cook, Paschall, Peebles, Sneed and Tucker—6.

On motion, the motion to reconsider the vote by which the Senate rejected H. B. No. 365, S. B. No. 777: A bill to be entitled an act for the relief of the sheriffs of Iredell, Alexander and Surry counties, was taken up, and the motion prevailed.

The bill was read the second time.

Mr. Busbee offered an amendment, which prevailed.

Mr. Sneed offered an amendment.

Pending its consideration, Mr. Morehead moved to lay the bill on the table.

Mr. Cantwell moved that the Senate do now adjourn.

The motion to adjourn prevailed.

Thereupon, the Senate stood adjourned until 10 A. M. tomorrow.

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## EIGHTY-SECOND DAY.

SENATE CHAMBER, March 18th, 1875.

The Senate met pursuant to adjournment.

On motion, the reading of the Journal was dispensed with.

A messege was received from the House of Representatives,

transmitting engrossed House amendments to H. B. No. 526, S. B. No. 303: A bill to be entitled an act to change time of salesday. The amendments were concurred in.

Also, engrossed House amendments to S. B. No. 542, H. B. No. 666: A bill to be entitled an act to incorporate Whitaker's Mills, in Nash county. The amendments were concurred in.

Also, engrossed House amendments to S. B. No. 194, H. B. No. 441: A bill to be entitled an act to appoint public guardians. The amendments were concurred in.

Also, engrossed House amendments to S. B. No. 448, H. B. No. 615: A bill to be entitled an act to encourage the manufacture of domestic wines in this State. The amendments were concurred in.

Also, engrossed House amendments to S. B. No. 471, H. B. No. 573: A bill to be entitled an act to incorporate the "Wilmington, Raleigh and Danville Railroad." The amendments were concurred in, and the bills were ordered to be enrolled for ratification.

Reports from Standing Committees were submitted as follows:

From Committee on Finance:

By Mr. Standford, S. B. No. 618: A bill to be entitled an act in relation to Burke and McDowell counties, with accompanying substitute.

S. B. No. 883, H. B. No. 770: A bill to be entitled an act to require the Secretary of State to perform certain duties, with a recommendation that it do not pass.

S. R. No. 828, H. R. No. 72: Resolution in favor of R. Haynes, sheriff of Columbus county, with a recommendation that the resolution be adopted.

On motion, the resolution was read and adopted.

From Committee on Propositions and Grievances:

By Mr. Latham, S. B. No. 988: A bill to be entitled an act to regulate the sale of liquor in Northampton county, with a recommendation that it do pass.

From Committee on Internal Improvements:

By Mr. Waring, S. B. No. 908, H. B. No. 808: A bill to be entitled an act to authorize the Atlantic and North Carolina Railroad Company to construct a branch road, with a recommendation that it do pass.

S. B. No. 848, H. B. No. 587: A bill to be entitled an act to enable the mayor and commissioners of the town of Fayetteville to issue bonds in exchange for bonds issued by said mayor and commissioners in payment of subscription for stock in the Western Railroad Company, with a recommendation that it do pass.

S. B. No. 851, H. B. No. 359: A bill to be entitled an act to amend an act to lay off and establish a public road in the counties of Davie and Davidson, with a recommendation that it do pass.

By Mr. Mills, S. B. 987: A bill to be entitled an act to require the Carolina Central Railroad Company to complete its road to Rutherfordton, with a recommendation that it do pass.

On motion, the bill was made the special order for to-morrow at 11 A. M.

From Committee on Corporations:

By Mr. Busbee, S. B. No. 889, H. B. No. 740: A bill to be entitled an act to amend section 8, line 2, chapter 136, private laws of 1873–'74, with a recommendation that it do pass.

S. B. No. 723, H. B. No. 434: A bill to be entitled an act to amend chapter 69, private laws of 1872–'73, with a recommendation that it do pass.

S. B. No. 976, H. B. No. 836: A bill to be entitled an act to amend chapter 137, laws of 1873–'74, with a recommendation that it do pass.

From Committee on Judiciary:

By Mr. Kerr, S. B. No. 977, H. B. No. 869: A bill to be entitled an act to ascertain the indebtedness of the different counties, cities and towns in this State, and prescribe a statute of limitations, with a recommendation that it do pass.

The following named bills and resolutions were introduced,

read and passed first time, and were referred, or otherwise disposed of, as follows:

By message from the House of Representatives, H. B. No. 896: A bill to be entitled an act to incorporate the North Carolina Printing and Publishing Company. Placed on the calendar.

H. B. No. 897: A bill to be entitled an act to authorize the Northwestern North Carolina Railroad to adapt its gauge to its only connecting railroad. Placed on the calendar.

By Mr. French: Resolution in favor of M. Patterson and others. To the Committee on Claims.

By Mr. Busbee: Resolution concerning public lots in the city of Raleigh. To the Committee on Public Buildings and Grounds.

By Mr. Standford: Resolution on Superintendent of Insane Asylum. Read and adopted.

A message was received from the House of Representatives informing the Senate that the House refused to recede from its amendments to H. B. No. 788, S. B. No. 816: A bill to be entitled an act to authorize the commissioners of Washington county to levy a special tax, and asked a committee of conference, and had appointed Messrs. Wiley, Means and Dula as the House branch of said committee.

The Senate acceded to the request, and appointed Messrs. Latham and Standford as the Senate branch of the committee of conference.

A bill on its third reading was acted upon, as follows:

S. B. No. 599: A bill to be entitled an act to amend section 1, chapter 182, of laws of 1873–'74.

The bill was read and passed the third time, the yeas and nays being dispensed with by consent.

Bills on second reading were acted upon, as follows:

H. B. No. 897, S. B. No. —: A bill to be entitled an act to authorize the Northwestern North Carolina Railroad to adapt its gauge to its only connecting railroad. The bill was read and passed the second time.

On motion, the rules were suspended, and the bill read and passed the third time, the yeas and nays being dispensed with by consent.

S. B. No. 950: A bill to be entitled an act in regard to selling or giving away spirituous liquors on the Sabbath day. The bill was read the second time.

Mr. Mabson moved to indefinitely postpone the bill. The motion did not prevail, and the bill passed the second time.

On motion, the rules were suspended, and the bill read and passed the third time, the yeas and nays being dispensed with by consent.

H. B. No. 818, S. B. No. 982: A bill to be entitled an act to authorize the board of commissioners of Cumberland county to fund their debt.

The bill was read and passed the second time. Yeas 38, nays none.

*Affirmative*—Messrs. Albright, Anderson, Boddie, Busbee, Cashwell, Clement, C. M. Cooke, N. S. Cook, Graham, Hargrave, Irwin, Jenkins, Jernigan, Kerr, Latham, LeGrand, Love, Marler, McCanley, McElroy, McMillan, Mills, Morehead, Parish, Paschall, Peebles, Pegram, Selby, Smith, Sneed, Standford, Sugg, Taylor, Tucker, Waddell, Walker, Williamson and Worthy—38.

*Negative*—None.

Special orders were acted upon, as follows:

H. B. No. 691, S. B. No. 986: A bill to be entitled an act in relation to the land scrip fund for establishment of colleges for the benefit of agriculture and mechanic arts. The bill was read the second time.

Mr. Mabson offered an amendment.

Pending the further consideration of the bill, Mr. Graham moved the previous question, and the main question was ordered.

The question recurring first on Mr. Mabson's amendment, it did not prevail.

The question next recurring on the passage of the bill, on

its second reading, it passed the second time. Yeas 25, nays 14.

*Affirmative*—Messrs. Albright, Boddie, Busbee, Cantwell, Cashwell, Clement, C. M. Cooke, French, Graham, Hargrave, Irwin, Jenkins, Jernigan, Kerr, McCauley, Mills, Morehead, Parish, Peebles, Pegram, Smith, Sugg, Waddell, Williamson and Worthy—25.

*Negative*—Messrs. Anderson, N. S. Cook, Holton, Latham, LeGrand, Love, Mabson, Marler, McElroy, McMillan, Paschall, Sneed, Taylor and Tucker—14.

The bill was then made the special order for to-morrow at 10:30 A. M.

H. B. No. 417, S. B. No. 909: A bill to be entitled an act concerning inspectors of timber. The bill was read the second time.

The question recurring on the substitute proposed by Mr. Cantwell, it did not prevail, and the bill passed the second time. Yeas 37, nays 4.

*Affirmative*—Messrs. Albright, Anderson, Boddie, Busbee, Cashwell, Clement, C. M. Cooke, N. S. Cook, French, Graham, Hargrave, Holton, Irwin, Jenkins, Jernigan, Kerr, Latham, LeGrand, Love, Marler, McElroy, McMillan, Mills, Morehead, Parish, Paschall, Pegram, Selby, Smith, Standford, Sugg, Taylor, Waddell, Williamson and Worthy —37.

*Negative*—Messrs. Bryan, Cantwell, Sneed and Tucker—4.

The bill was then read and passed the third time, the yeas and nays being dispensed with by consent.

H. B. No. 370, S. B. No. 926: A bill to be entitled an act to amend the charter of the Notth Carolina Railroad Company, and to provide for the transferring the State's stock therein. The bill was read the second time.

The question recurred on the adoption of the substitute proposed by the Committee on Internal Improvements.

Pending its consideration, the Senate took a recess of a half hour.

At 12:30 the Senate re-assembled, and, on motion, adjourned until 7:30 P. M. to-day.

The following bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

An act to incorporate the Wilmington and Coast Turnpike Company.

An act to amend chapter 137, laws of 1873–'74.

Resolution in favor of Godfrey Keebler.

An act to authorize the mayor and commissioners of Elizabeth City, in the county of Pasquotank, to levy a special tax.

An act to authorize the commissioners of Franklin county to levy a special tax.

An act for the dissolution of the Roanoke Navigation Company.

An act for the better government of the town of Tarboro'.

An act to incorporate the vestry of Calvary church, at Wadesboro', N. C.

An act to preserve the public records of Burke county, and for other purposes.

An act to authorize the county commissioners of Macon county to levy a special tax.

An act to incorporate the Wilmington Ice Company.

An act to authorize the county commissioners of Pitt county to sell and make title to the county jail and land on which it is situated, and for other purposes.

An act to incorporate the Yadkin River Bridge and Turnpike Company.

An act to incorporate the Marion and Jefferson Turnpike Company.

An act to amend an act entitled an act to prevent live stock from running at large in Cabarrus and other counties, ratified February 2d, 1875.

An act to regulate the taking of fish in the waters of New river, in the county of Onslow.

An act to lay out and construct a public road from Edwin D. Greer's store to Jefferson, in Ashe county.

An act to incorporate Balfour Lodge, Free and Accepted Masons, in the town of Ashboro', county of Randolph.

An act to obtain information concerning State's interest in works of internal improvements.

An act providing for a fence law in the counties of Union and Anson.

An act to amend an act passed at the present session of the General Assembly to change the time of holding the courts in the Third Judicial District.

An act to amend chapter 329, laws of 1850-'51.

An act to authorize the Commissioners of Northampton county to levy a special tax.

An act to incorporate the town of Ore Knob, in Ashe county.

An act supplemental to the charter to the town of Statesville, Iredell county.

An act to divest the jurisdiction of the Superior Courts over misdemeanors in failing to list polls and property, and for other purposes.

An act to amend the charter of the town of King's Mountain, Cleaveland county.

The following named bills, amendments and resolutions, reported as correctly engrossed by the Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence:

S. R. No. 989: Resolution on Superintendent of the Insane Asylum.

S. B. No. 956: A bill to be entitled an act to incorporate the Sampson County Agricultural Society.

S. B. No. 763: A bill to be entitled an act to amend section 9, chapter 65, of Battle's Revisal.

S. B. No. 823: A bill to be entitled an act to change the time of holding elections in this State in the year 1876.

Senate amendments to S. R. No. 971, H. R. No. 209: Resolution in favor of James Farris and James Lumley.

Senate amendments to S. B. No. 927, H. B. No. 828: A bill to be entitled an act to prevent the sale of spirituous liquors in certain localities.

The Senate then adjourned until 7:30 P. M. to-day.

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## EVENING SESSION.

SENATE CHAMBER, March 18th, 1875.

The Senate met pursuant to adjournment at 7:30 P. M.

The Chair announced the special order for that hour, to-wit:

S. B. No. 957, H. B. No. 647: A bill to be entitled an act to raise revenue. The bill was read the third time.

Mr. Busbee offered an amendment, which did not prevail.

Mr. Young offered an amendment, which was rejected.

Mr. Busbee offered an amendment, which did not prevail.

Mr. Cantwell offered an amendment, which was rejected.

Mr. Cantwell offered another amendment, which was rejected.

Mr. Busbee offered an amendment, which did not prevail.

Mr. Marler offered an amendment, which was rejected.

Mr. Peebles offered an amendment, which was rejected.

Mr. McCauley offered an amendment, which was rejected.

Mr. Irwin moved to postpone the further consideration of the bill, and make it the special order for 10 A. M. to-morrow. The motion did not prevail.

Mr. Peebles offered an amendment, which did not prevail.

The bill then passed the third time. Yeas 28, nays 7.

*Affirmative*—Messrs. Albright, Anderson, Boddie, Cantwell, Clement, French, Graham, Irwin, Jenkins, Latham, LeGrand, Marler, McCauley, McElroy, McMillan, Mills, More-

head, Parish, Peebles, Pegram, Smith, Standford, Sugg, Taylor, Waddell, Waring, Worthy and Young—28.

*Negative*— Messrs. Bryan, N. S. Cook, Hargrave, Holton, Love, Paschall, Sneed and Tucker—7.

At 8 P. M. the Chair announced the special order for that hour, to-wit:

S. R. No. 916: Resolution on *sine die* adjournment. The resolution was read.

Mr. Cantwell offered an amendment, which did not prevail.

Mr. Latham offered to amend by adding after 1875, at 8 o'clock, A. M.

Mr. McCauley moved to amend the amendment by striking out "8 o'clock, A. M." and inserting "12 M." It did not prevail, and the question recurred on the amendment offered by Mr. Latham, and it prevailed.

Mr. Peebles moved to amend by adding "to meet again on the first Monday in December, 1875, at 12 M."

Pending its consideration, Mr. Anderson called the previous question. The call was sustained, and the main question ordered.

The question recurring on Mr. Peebles' amendment, it did not prevail.

The resolution, as amended, was then adopted.

On motion, H. B. No. 370, S. B. No. 926: A bill to be entitled an act to amend the charter of the North Carolina Railroad Company, and to provide for the transferring the State's stock therein, was made the special order for to-morrow at 10:30 A. M.

The following bills, on second reading, were read and passed the second time, and, on motion, the rules were suspended, and the bills were read and passed the third time, the yeas and nays being dispensed with by consent.

H. B. No. 384, S. B. No. 923: A bill to be entitled an act to amend chapter 113, laws of 1868–'69, as brought forward in Battle's Revisal, chapter 45, section 115.

H. B. No. 683, S. B. No. 880: A bill to be entitled an act

to authorize the mayor and commissioners of Fayetteville to re-organize the fire department of the said town.

S. B. No. 851, H. B. No. 359: A bill to be entitled an act to amend an act to lay off and establish a public road in the counties of Davie and Davidson.

H. B. No. 858, S. B. No. —: A bill to be entitled an act to allow a jury in Madison county to lay off a road to Marshall.

H. B. No. 785, S. B. No. 873: A bill to be entitled an act to amend charter of the town of Cerro Gordo, in Columbus county.

H. B. No. 764, S. B. No. 980: A bill to be entitled an act to incorporate the Dan River Navigation Company.

S. B. No. 895, H. B. No. 638: A bill to be entitled an act to incorporate the Plummer Hook and Ladder Company.

H. B. No. 465, S. B. No. 790: A bill to be entitled an act to authorize the county commissioners of Jackson to have a toll gate erected on a road known as the Tuckaseege and Keowee turnpike road.

S. B. No. 988: A bill to be entitled an act to regulate the sale of liquor in Northampton county.

Bills and resolutions on second reading were otherwise acted upon as follows:

S. B. No. 618: A bill to be entitled an act in relation to Burke and McDowell counties. The bill was read the second time.

The amendment, in the nature of a substitute, proposed by the committee was adopted, and the bill passed the second time.

On motion the rules were suspended, and the bill was read and passed the third time, the yeas and nays being dispensed with by consent.

The bill was ordered to be sent to the House of Representatives without engrossment.

H. R. No. 205, S. R. No. 941: Resolution concerning an appeal to the Supreme Court of the United States. Read and adopted.

H. R. No. 195, S. R. No. 931: Resolution in favor of G. J. Williams, late sheriff of Chatham county.

The bill was read the second time and, on motion, laid upon the table.

H. B. No. 661, S. B. No. 968: A bill to be entitled an act to incorporate the Grange Bank of Cumberland county. The bill was read the second time.

The amendment proposed by the committee was adopted, and the bill passed the second time.

On motion, the rules were suspended, and the bill read and passed the third time, the yeas and nays being dispensed with by consent.

S. B. No. —: A bill to be entitled an act concerning arrears of taxes in Robeson county for the years of 1868-'69. The bill was read and passed the second time.

On motion, the rules were suspended, and the bill read and passed the third time, the yeas and nays being dispensed with by consent.

Reports from Standing Committees were submitted, as follows:

From Committee on Corporations:

By Mr. Busbee, H. B. No. 764, S. B. No. 980: A bill to be entitled an act to incorporate the Dan River Navigation Company, with a recommendation that it do pass.

H. B. No. 868, S. B. No. 979: A bill to be entitled an act to repeal section 6 of an act entitled an act to empower the commissioners of the town of Wilmington to establish streets in said town, and for other purposes, &c., with a recommendation that it do pass.

The following named bills and resolutions were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows:

By message from the House of Representatives, H. B. No. 858: A bill to be entitled an act to allow a jury in Madison county to lay off a road to Marshall. Placed on the calendar.

By Mr. French: A bill to be entitled an act concerning

arrears of taxes in Robeson county for the years of 1868 and 1869. Placed on the calendar.

By Mr. Standford: A bill to be entitled an act concerning inspection in the city of Wilmington. To the Committee on Propositions and Grievances.

By Mr. Parish: Resolution in regard to public printing for the years 1871–'72. Read and laid over under the rules.

The Senate adjourned until 10 A. M. to-morrow.

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## EIGHTY-THIRD DAY.

SENATE CHAMBER, March 19th, 1875.

The Senate met pursuant to adjournment.

The reading of the Journal of yesterday was, on motion, dispensed with.

Indefinite leaves of absence were granted Messrs. Mabson, Holton and Irwin.

Reports from Standing Committees were submitted as follows:

From Committee on Corporations:

By Mr. Waddell, S. B. No. 865: A bill to be entitled an act to incorporate the North Carolina Water Power Company, with accompanying amendments.

From Committee on Judiciary:

By Mr. McElroy, H. B. No. 554, S. B. No. 805: A bill to be entitled an act in relation to estrays, with a recommendation that it do pass.

By Mr. French, S. B. No. 739, H. B. No. 302: A bill to be entitled an act to amend chapter 17, section 57, Battle's Revisal, concerning parties to action to recover real estate, with a recommendation that it do pass.

S. B. No. 147, H. B. No. 26: A bill to be entitled an act concerning the homestead exemption, with a recommendation that it do pass.

By Mr. Cooke, of Franklin, S. B. No. 589, H. B. No. 503: A bill to be entitled an act to amend election laws, with accompanying amendments.

H. B. No. 677, S. B. No. 943: A bill to be entitled an act to amend section 343, of chapter 17, of Battle's Revisal, with a recommendation that it do pass.

H. B. No. 423, S. B. No. 488: A bill to be entitled an act to amend section 15, chapter 156, laws of 1868–'69, as brought forward in Battle's Revisal, chapter 64, section 15, with a recommendation that it do not pass.

From Committee on Banks and Currency:

By Mr. Cooke, of Franklin, S. B. No. 630: A bill to be entitled an act to provide for the compromise of the State debt, through the instrumentality of a Savings Bank, and to charter the same, with a recommendation that it do not pass. Laid upon the table.

From Committee on Penal Institutions:

By Mr. Marler, H. B. No. 837, S. B. No. 922: A bill to be entitled an act to authorize the farming out of convicts, with a recommendation that it do not pass. Laid upon the table.

S. B. No. 482: A bill to be entitled an act to provide for the employment of convicts in the Penitentiary, and for other purposes, with a recommendation that it do not pass. Laid upon the table.

From Committee on Internal Improvements:

By Mr. Waddell, H. B. No. 827, S. B. No. 964: A bill to be entitled an act to incorporate the Piedmont and Yadkin Valley Railroad Company, with a recommendation that it do pass.

By Mr. Waring, S. B. No. 687: A bill to be entitled an act to repeal an act entitled an act to amend an act to authorize the laying out and establishing a turnpike road from the South Carolina line at some point near the Block House, in Ruther-

ford county, to Cain creek bridge, in Buncombe county, ratified the 27th day of February, A. D. 1867, and revive an act passed at the session of 1835, chapter 53, with a recommendation that it do pass.

From Committee on Public Buildings and Grounds :

By Mr. McCauley, S. B. No. 951 : A bill to be entitled an act to provide for a State Library and Supreme Court building at Raleigh, with a recommendation that it do not pass.

The following named bills and resolutions were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows :

By Mr. Standford : A bill to be entitled an act to define the jurisdiction of the mayor of Newbern. Placed on the calendar.

By Mr. Parish : A bill to be entitled an act concerning the public printing. Placed on the calendar.

By Mr. Mills : A bill to be entitled an act to protect the State Railway Policy and Gauge.

By Mr. Graham : A bill to be entitled an act to amend the machinery act passed by this General Assembly.

By Mr. McElroy : Resolution in favor of W. M. Moore. Read and adopted, and transmitted without engrossment to the House of Representatives.

By Mr. Standford : A bill to be entitled an act supplemental to an act to raise revenue, passed at the present session of the General Assembly. Placed on the calendar.

By message from the House of Representatives, H. R. No. 232 : Resolution in favor of the clerks of the General Assembly. Read and adopted.

H. B. No. 914 : A bill to be entitled an act concerning county taxes of Columbus county. Placed on the calendar.

H. B. No. 736 : A bill to be entitled an act to incorporate the Atlantic Iron and Steel Manufacturing Company. To the Committee on Corporations.

H. B. No. 878 : A bill to be entitled an act to protect private stockholders and authorize the consolidation of railroads. To the Committee on Internal Improvements.

H. B. No. 888: A bill to be entitled an act to amend and re-enact an act ratified the 22d day of February, 1861. To the Committee on Internal Improvements.

H. B. No. 725: A bill to be entitled an act in relation to costs in State cases. To the Committee on Judiciary.

H. B. No. 907: A bill to be entitled an act to change the time of holding certain courts. Placed on the calendar.

H. B. No. 881: A bill to be entitled an act to amend chapter 41, section 9, of Revised Code, as brought forward in Battle's Revisal, chapter 40, section 14. To the Committee on Judiciary.

H. B. No. 879: A bill to be entitled an act concerning the maintenance of lunatics. To the Committee on Insane Asylum.

H. B. No. 884: A bill to be entitled an act to extend the corporate limits of the town of Goldsboro', and for other purposes. Placed on the calendar.

H. B. No. 860: A bill to be entitled an act to appoint commissioners to investigate the affairs of the Western Division of the Western North Carolina Railroad Company. To the Committee on Internal Improvements.

H. R. No. 216: Resolution in favor of J. T. Price, sheriff of Pasquotank county. To the Committee on Propositions and Grievances.

H. B. No. 804: A bill to be entitled an act to prohibit the giving away or selling of spirituous or intoxicating liquor at or within three miles of Shoco chapel, in Warren county.

H. B. No. 724: A bill to be entitled an act to extend the time for transferring cases. To the Committee on Judiciary.

H. B. No. 605: A bill to be entitled an act to amend chapter 100, section 1, of the laws of 1873–'74. To the Committee on Judiciary.

H. B. No. 819: A bill to be entitled an act for the relief of E. P. Powers and S. T. Hawley, late tax collectors of the town of Fayetteville. To the Committee on Finance.

H. B. No. 781: A bill to be entitled an act to punish the fraudulent use of brands. Placed on the calendar.

H. B. No. 727: A bill to be entitled an act to strike out section 343, chapter 17, Battle's Revisal. To the Committee on Judiciary.

H. B. No. 876: A bill to be entitled an act to incorporate Brooklyn Bucket Company, No. 2, of the city of Wilmington, N. C. To the Committee on Corporations.

H. B. No. 838: A bill to be entitled an act to incorporate the Wilmington Fire Bucket Company, No. 1. To the Committee on Corporations.

A message was received from the House of Representatives transmitting House amendments to S. R. No. 611, H. R. No. 163: Resolution concerning the funeral expenses of the late Governor Caldwell. Concurred in.

Also, House amendments to H. B. No. 669, S. B. No. 514: A bill to be entitled an act to prohibit the sale of spirituous liquors within one and one half miles of Poplar Spring church, in the county of Franklin. Concurred in.

Also, House amendments to S. B. No. 612, H. B. No. 645: A bill to be entitled an act to incorporate the Robeson County Agricultural Society. Concurred in.

Also, House amendments to S. R. No. 916, H. R. No. 231: Resolution on *sine die* adjournment. Concurred in.

Also, House amendments to S. B. No. 927, H. B. No. 828: A bill to be entitled an act to prevent the sale of spirituous liquors in certain localities. Concurred in, and the bills were ordered to be enrolled for ratification.

Mr. Busbee introduced a resolution in regard to lease of North Carolina Railroad. The resolution was read.

Mr. Morehead moved to refer the resolution to the Committee on Internal Improvements. The motion did not prevail.

The yeas and nays being required, the resolution was adopted. Yeas 29, nays 9.

*Affirmative*—Messrs. Albright, Anderson, Boddie, Bryan, Busbee, Cantwell, Cashwell, Clement, C. M. Cooke, Graham, Jenkins, Kerr, Latham, Love, Marler, McElroy, Mills, Parish,

Paschall, Smith, Sneed, Standford, Sugg, Taylor, Tucker, Waddell, Walker, Worthy and Young—29.

*Negative*—Messrs. N. S. Cook, Hargrave, Holton, Irwin, LeGrand, McCauley, Morehead, Pegram and Williamson—9.

Mr. C. M. Cooke moved to reconsider the vote just had. The motion prevailed.

Mr. C. M. Cooke then moved to amend by striking out "five hundred dollars." The amendment prevailed.

Mr. Sneed moved to lay the resolution upon the table. The motion did not prevail.

Mr. Irwin moved to refer the resolution to a select committee of five. The motion did not prevail.

The resolution was then adopted.

Bills on third reading were acted upon, as follows:

S. B. No. 906: A bill to be entitled an act to improve the laws of this State.

The bill was read and passed the third time, the yeas and nays being dispensed with by consent.

S. B. No. 921: A bill to be entitled an act to require certain statements of receipts and disbursements of certain public moneys.

The bill was read and passed the third time, the yeas and nays being dispensed with by consent.

The bill was ordered to be transmitted to the House of Representatives without engrossment.

Bills on second reading were acted upon as follows:

S. B. No. 887, H. B. No. 336: A bill to be entitled an act concerning burnt and destroyed records of Watauga county.

Mr. McElroy offered an amendment which prevailed, and the bill passed the second time.

The rules were suspended, and the bill read and passed the third time, the yeas and nays being dispensed with by consent.

The bill was by order of the Senate transmitted to the House of Representatives without engrossment.

S. B. No. 848, H. B. No. 577: A bill to be entitled an act to enable the mayor and commissioners of the town of Fay-

etteville to issue new bonds in exchange for bonds issued by said mayor and commissioners in payment of subscription for stock in the Western Railroad Company.

The bill was read and passed the second time. Yeas 31, nays none.

*Affirmative*—Mr. President, Messrs. Albright, Anderson, Boddie, Bryan, Cashwell, C. M. Cooke, N. S. Cook, French, Graham, Hargrave, Holton, Jenkins, Kerr, LeGrand, Love, Marler, McCauley, McElroy, Morehead, Parish, Paschall, Pegram, Smith, Standford, Sugg, Tucker, Waddell, Walker, Worthy and Young—31.

*Negative*—None.

S. B. No. 1001: A bill to be entitled an act to define the jurisdiction of the mayor of Newbern.

The bill was read and passed the second time, and the rules were suspended, and it was read and passed the third time, the yeas and nays being dispensed with by consent.

The bill was, by order of the Senate, transmitted to the House of Representatives without engrossment.

S. B. No. 999: A bill to be entitled an act concerning the public printing. The bill was read and passed the second time.

The rules were suspended, and the bill read and passed the third time, the yeas and nays being dispensed with by consent, and the bill was, by order of the Senate, transmitted to the House of Representatives without engrossment.

S. B. No. 1000: A bill to be entitled an act to protect the State railway policy and gauge. The bill was read and passed the second time.

On motion, the rules were suspended, and the bill read and passed the third time, the yeas and nays being dispensed with by consent.

The bill was, by order of the Senate, transmitted to the House of Representatives without engrossment.

S. B. No. 824: A bill to be entitled an act authorizing a specific appropriation for the erection of the penitentiary. The bill was read and passed the second time.

On motion, the rules were suspended, and the bill read and passed the third time, the yeas and nays being dispensed with by consent.

The bill was ordered to be transmitted to the House of Representatives without engrossment.

S. B. No. 1003: A bill to be entitled an act to amend the machinery act passed by this General Assembly. The bill was read and passed the second time.

The rules were suspended, and the bill read and passed the third time, the yeas and nays being dispensed with by consent.

S. B. No. 998: A bill to be entitled an act supplemental to an act to raise revenue, passed at the present session of the General Assembly. The bill was read and passed the second time.

The rules were suspended, and the bill read and passed the third time, the yeas and nays being dispensed with by consent.

The special orders for to-day were acted upon, as follows:

H. B. No. 691, S. B. No. 986: A bill to be entitled an act in relation to the land scrip fund for establishment of colleges for the benefit of agriculture and mechanic arts. The bill was read the third time.

Mr. LeGrand offered to amend by adding:

"*Provided*, That the annual interest accruing from the $125,000 be applied and used exclusively for the agricultural and mechanics department of said institution."

Pending its consideration, Mr. C. M. Cooke moved the previous question, and the main question was ordered.

The question recurring first on Mr. LeGrand's amendment, the yeas and nays were required, and the amendment was rejected. Yeas 16, nays 22.

*Affirmative*—Messrs. Albright, Anderson, Clement, N. S. Cook, Hargrave, Holton, LeGrand, Love, Mabson, McElroy, Paschall, Sneed, Taylor, Tucker, Walker and Young—16.

*Negative*—Messrs. Boddie, Busbee, Cantwell, Cashwell, C.

M. Cooke, French, Graham, Irwin, Jenkins, Jernigan, Kerr, Latham, McCauley, Mills, Morehead, Parish, Pegram, Smith, Sugg, Waddell, Williamson and Worthy—22.

The question next recurring upon the passage of the bill on its third reading, the bill passed the third time. Yeas 24, nays 16.

*Affirmative*—Messrs. Albright, Boddie, Busbee, Cantwell, Cashwell, C. M. Cooke, French, Graham, Hargrave, Irwin, Jenkins, Jernigan, Kerr, McCauley, Mills, Morehead, Parish, Pegram, Smith, Sugg, Waddell, Waring, Williamson and Worthy—24.

*Negative*—Messrs. Anderson, Bryan, Clement, N. S. Cook, Holton, Latham, LeGrand, Love, Mabson, Marler, McElroy, Paschall, Sneed, Standford, Walker and Young—16.

Mr. Kerr moved to reconsider the vote just had, and to lay that motion upon the table. The motion to table prevailed.

H. B. No. 370, S. B. No. 926: A bill to be entitled an act to amend the charter of the North Carolina Railroad Company and to provide for the transferring the State's stock therein. The bill was read the second time.

The question recurred upon the adoption of the substitute proposed by the Committee on Internal Improvements.

Mr. Morehead offered an amendment, which prevailed.

Mr. Morehead proposed a second amendment, and it prevailed.

Mr. Morehead offered a third amendment, which prevailed.

Mr. Parish offered an amendment, in the nature of a substitute.

The yeas and nays being required, the amendment was rejected. Yeas 10, nays 19.

*Affirmative*—Messrs. Clement, LeGrand, McCauley, McElroy, Parish, Peebles, Waddell, Williamson, Worthy and Young —10.

*Negative*—Messrs. Albright, Anderson, Boddie, Cantwell, French, Graham, Hargrave, Holton, Irwin, Jernigan, Kerr,

Latham, Love, McCauley, Morehead, Paschall, Pegram, Sugg, Tucker and Walker—19.

Mr. Peebles offered an amendment.

Pending its consideration, Mr. LeGrand called the previous question, and the main question was ordered.

The question recurring first on the amendment offered by Mr. Peebles, the yeas and nays were required, and the amendment was rejected. Yeas 3, nays 24.

*Affirmative*—Messrs. McCauley, Peebles and Smith—3.

*Negative*—Messrs. Albright, Anderson, Boddie, Cantwell, Clement, French, Graham, Hargrave, Irwin, Jernigan, Latham, LeGrand, Love, McElroy, Morehead, Parish, Paschall, Pegram, Standford, Sugg, Tucker, Waddell, Walker and Young—24.

The question then recurred on the adoption of the substitute proposed by the Committee on Judiciary.

The yeas and nays were required, and the substitute prevailed. Yeas 20, nays 12.

*Affirmative*—Mr. President, Messrs. Anderson, Busbee, Cantwell, Clement, Graham, Hargrave, Holton, Irwin, Kerr, Latham, Love, McElroy, Morehead, Paschall, Pegram, Sugg, Tucker, Waddell and Walker—20.

*Negative*—Messrs. Albright, Boddie, French, Jernigan, LeGrand, Marler, McCauley, Parish, Peebles, Smith, Standford and Williamson—12.

The bill then passed the second reading. Yeas 19, nays 15.

*Affirmative*—Mr. President, Messrs. Anderson, Busbee, Cantwell, Cashwell, Clement, Graham, Hargrave, Irwin, Kerr, Love, McElroy, Morehead, Paschall, Pegram, Sugg, Tucker, Waddell and Walker—19.

*Negative*—Messrs. Albright, Boddie, Bryan, French, Jernigan, Latham, LeGrand, Marler, McCauley, Parish, Peebles, Smith, Standford, Williamson and Worthy—15.

On motion, the bill was made the special order for to-night at 8 o'clock.

On motion, H. B. No. 247, S. B. No. 295: A bill to be en-

titled an act for the relief of the sureties of T. F. Lee, late sheriff of Wake county, was made the special order for to-night at 9:30 o'clock.

On motion, H. B. No. 869, S. B. No. 977: A bill to be entitled an act to ascertain the indebtedness of the different counties, cities and towns in the State, and prescribe a statute of limitations, was made the special order for to-night at 8:30 o'clock.

H. B. No. 808, S. B. No. 908: A bill to be entitled an act to authorize the Atlantic and North Carolina Railroad Company to construct a branch road, was, on motion, made the special order for to-night at 9 o'clock.

The following named bills, amendments and resolutions, reported as correctly engrossed by the Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence:

S. B. No. 1003: A bill to be entitled an act to amend the machinery act passed by this General Assembly.

S. B. No. 906: A bill to be entitled an act to improve the laws of this State.

S. B. No. 997: A bill to be entitled an act concerning arrears of taxes in Robeson county for the years of 1868–'69.

S. R. No. 1024: Resolution in regard to lease of North Carolina Railroad.

S. B. No. 988: A bill to be entitled an act to regulate the State liquor in Northampton county.

S. B. No. 599: A bill to be entitled an act to amend section 1, chapter 182, of laws of 1873–'74.

S. B. No. 950: A bill to be entitled an act in regard to selling or giving away spirituous liquors on the Sabbath day.

Senate amendments to S. R. No. 916: Resolution on adjournment *sine die*.

Senate amendments to H. B. No. 661, S. B. No. 968: A bill to be entitled an act to incorporate the Grange Bank of Cumberland county.

The following bills and resolutions, reported as correctly en-

rolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

An act to incorporate the Snow Hill Branch Railroad Company.

An act concerning the sale of ardent spirits on the island of Ocracoke.

An act to incorporate the Wilmington, Raleigh and Danville Railroad.

An act to allow the trustees of Bingham township, in Orange county, to collect arrears of taxes.

An act to authorize the commissioners of Pitt county to levy a special tax.

An act to appoint public guardian.

An act to call a convention of the people of North Carolina.

Resolution in favor of K. Haynes, sheriff of Columbus county.

An act to incorporate Orion Lodge, No. 67, Independent Order of Odd Fellows, of Wilmington, N. C.

An act to amend section 11, chapter 53, of Battle's Revisal, entitled Guardian and Wards.

An act concerning evidence in cases of fraud where State is concerned.

An act to incorporate the Shaw University.

An act to amend chapter 137, public laws 1873–'74.

An act to amend sections 42, 43 and 44, chapter 199, laws of 1871–'72.

An act to punish accessories before the fact in the crimes of murder, arson, burglary and rape.

An act to authorize the North Western North Carolina Railroad to adapt its gauge to its only connecting railroad.

The Senate adjourned until 7:30 P. M. to-day.

## EVENING SESSION.

SENATE CHAMBER, March 19th, 1875.

The Senate met pursuant to adjournment.

Mr. President, from the Select Committee on Heating the Capitol, reported a bill to be entitled an act for heating the capitol building by improved steam apparatus.

On motion, the rules were suspended, and the bill placed on its passage. The bill was read the second time.

Mr. Cantwell offered an amendment, which prevailed.

The yeas and nays being required, the bill was rejected. Yeas 4, nays 31.

*Affirmative*—Messrs. Busbee, Cantwell, Mills and Taylor—4.

*Negative*—Messrs. Albright, Boddie, Clement, C. M. Cooke, N. S. Cook, French, Graham, Hargrave, Holton, Irwin, Jenkins, Jernigan, Latham, LeGrand, Love, Mabson, McCauley, McElroy, Morehead, Parish, Paschall, Pegram, Smith, Sneed, Standford, Tucker, Waddell, Walker, Waring, Williamson and Worthy—31.

A bill on its third reading was acted on, as follows:

S. B. No. 917: A bill to be entitled an act to establish the city graded schools of Charlotte.

The bill was read and passed the third time. Yeas 34, nays none.

*Affirmative*—Messrs. Albright, Boddie, Bryan, Busbee, Cantwell, Cashwell, Clement, C. M. Cooke, N. S. Cook, French, Graham, Hargrave, Jenkins, Jernigan, Latham, Love, Mabson, McElroy, Mills, Morehead, Parish, Paschall, Pegram, Smith, Sneed, Standford, Sugg, Taylor, Tucker, Waddell, Walker, Waring, Worthy and Young—34.

*Negative*—None.

Mr. Standford, from the Committee on Finance, reported S. R. No. 996: Resolution in regard to public printing of the

years 1871–'72, with accompanying amendment. Placed on the calendar.

Mr. Young offered a resolution providing for payment of $640 on State warrant No. 678, signed by John Reilly. The resolution was read and adopted.

Special orders were acted upon, as follows:

S. B. No. 926, H. B. No. 370: A bill to be entitled an act to amend the charter of the North Carolina Railroad Company, and to provide for the transferring the State's stock therein.

The bill was read and passed the third time. Yeas 24, nays 12.

*Affirmative*—Messrs. Cantwell, Cashwell, Clement, C M. Cooke, French, Graham, Hargrave, Holton, Irwin, Jernigan, Latham, Love, McElroy, Mills, Morehead, Pegram, Smith, Sugg, Taylor, Waddell, Walker, Waring, Worthy and Young —24.

*Negative*—Messrs. Albright, Boddie, Bryan, LeGrand, Mabson, McCauley, Parish, Paschall, Peebles, Standford, Tucker and Williamson—12.

Mr. Hargrave moved to reconsider the vote just had, and lay that motion on the table. The motion to table prevailed.

H. B. No. 869, S. B. No. 977: A bill to be entitled an act to ascertain the indebtedness of the different counties, cities and towns in the State, and prescribe a statute of limitations. The bill was read and passed the second and third times, the yeas and nays being dispensed with by consent.

S. B. No. 987: A bill to be entitled an act to require the Carolina Central Railway Company to complete its road to Rutherfordton. The bill was read the second time.

Mr. C. M. Cooke offered an amendment, in the nature of a substitute.

The yeas and nays being required, the amendment was rejected. Yeas 14, nays 17.

*Affirmative*—Messrs. Boddie, Busbee, Cantwell, Clement,

C. M. Cooke, French, Hargrave, Jernigan, Kerr, Latham, McCauley, Pegram, Standford and Waring—14.

*Negative*—Mr. President, Messrs. Albright, Bryan, N. S. Cook, Irwin, Jenkins, LeGrand, Love, McElroy, Mills, Parish, Paschall, Sneed, Tucker, Walker, Williamson and Worthy —17.

Mr. Mills offered an amendment, and the yeas and nays being required, it prevailed. Yeas 34, nays 1.

*Affirmative*—Mr. President, Messrs. Albright, Boddie, Bryan, Busbee, Cantwell, Clement, C. M. Cooke, N. S. Cook, French, Graham, Hargrave, Irwin, Jenkins, Jernigan, Latham, LeGrand, Love, McElroy, Mills, Parish, Paschall, Pegram, Sneed, Standford, Sugg, Taylor, Tucker, Waddell, Walker, Waring, Williamson, Worthy and Young—34.

*Negative*—Mr. McCauley—1.

Pending the further consideration of the bill, Mr. Mills moved the previous question, and the main question was ordered.

The question recurring upon the passage of the bill, on its second reading, the bill passed the second time.

The rules were then suspended, and the bill read and passed the third time. Yeas 28, nays 7.

*Affirmative*– Mr. President, Messrs. Albright, Boddie, Bryan, Busbee, Clement, N. S. Cook, Graham, Hargrave, Jenkins, Jernigan, Latham, LeGrand, Love, McElroy, Mills, Parish, Paschall, Pegram, Sneed, Sugg, Taylor, Tucker, Walker, Williamson, Worthy and Young—28.

*Negative*—Messrs. Cantwell, C. M. Cooke, French, Irwin, Kerr, McCauley, Standford and Waring—8.

H. B. No. 808, S. B. No. 908 : A bill to be entitled an act to authorize the Atlantic and North Carolina Railroad Company to construct a branch road.

The bill was read and passed the second and third times, the yeas and nays being dispensed with by consent.

The following named bills and resolutions were introduced,

read and passed first time, and were referred, or otherwise disposed of, as follows :

By message from the House of Representative, H. R. No. 233 : Resolution concerning the Public Treasurer. To the Committee on Judiciary.

H. B. No. 913 : A bill to be entitled an act to incorporate the Wilberforce school. Placed on the calendar.

H. B. No. 809 : A bill to be entitled an act to punish the wilful burning of houses. Placed on the calender.

H. R. No. 241 : Resolution in favor of George D. Miller. Adopted.

H. R. No. 239 : Resolution in regard to the battery of artillery belonging to the State.

The yeas and nays being required, the resolution was rejected. Yeas 12, nays 20.

*Affirmative*—Messrs. Bryan, Busbee, C. M. Cooke, Irwin, Kerr, McElroy, Morehead, Paschall, Standford, Taylor, Tucker and Walker—12.

*Negative*—Messrs. Albright, Boddie, Cantwell, Cashwell, Clement, N. S. Cook, French, Graham, Hargrave, Jenkins, Jernigan, Latham, LeGrand, Love, Parish, Pegram, Sugg, Williamsan, Worthy and Young —20.

By Mr. Standford : Resolution for indexing the Senate and House Journals. Adopted.

A message was received from the House of Representatives transmitting the following bills, which were read and passed the first time, and, on motion, the rules were suspended, and the bills read and passed the second and third times, the yeas and nays being dispensed with by consent:

H. B. No. 894 : A bill to be entitled an act to incorporate the Railway Operatives Mutual Insurance Company.

H. B. No. 882 : A bill to be entitled an act to incorporate the Dry Pond and New Town Bucket Company, No. 3, of the city of Wilmington.

H. B. No. 695 : A bill to be entitled an act to amend the charter of Elizabeth, in the county of Pasquotank.

H. B. No. 890: A bill to be entitled an act to incorporate the American Type Setting Machine Company.

H. B. No. 807: A bill to be entitled an act to authorize the authorities in charge of the Eastern Division, Western North Carolina Railroad to pay the money in the treasury of the same to the proper authorities.

H. B. No. 789: A bill to be entitled an act to carry into effect section 6, article 9, of the Constitution, in relation to unclaimed dividends.

A message was received from the House of Representatives transmitting House amendments to S. B. No. 829, H. B. No. 887: A bill to be entitled an act to authorize the hire of convict labor in or outside of State's prison, and to regulate the same.

The amendments were concurred in, and the bill was ordered to be enrolled for ratification.

The Senate adjourned until 10 A. M. to-morrow.

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## EIGHTY-FOURTH DAY.

SENATE CHAMBER, March 20th, 1875.

The Senate met pursuant to adjournment.

The reading of the Journal of yesterday was, on motion, dispensed with.

Reports from Standing Committees were submitted as follows:

From Committee on Internal Improvements:

By Mr. Waring, S. B. No. 1020, H. B. No. 878: A bill to be entitled an act to protect private stockholders and authorize the consolidation of railroads, with a request that the committee be discharged from the further consideration of the bill.

From Committee on Claims:

By Mr. Williamson, S. R. No. 993: Resolution in favor of M. Patterson and others, with a request that the committee be discharged from the further consideration of the resolution.

From Committee on Judiciary:

By Mr. Latham, H. B. No. 690, S. B. No. 930: A bill to be entitled an act to amend chapter 63, Battle's Revisal, entitled Justices and their Jurisdiction, with a recommendation that it do pass.

H. B. No. 881, S. B. No. 1016: A bill to be entitled an act to amend chapter 41, section 9, of Revised Code, as brought forward in Battle's Revisal, chapter 40, section 14, with accompanying amendment.

From Committee on Corporations:

By Mr. Busbee, H. B. No. 876, S. B. No. 1005: A bill to be entitled an act to incorporate Brooklyn Bucket Company, No. 2, of the city of Wilmington, N. C., with a recommendation that it do pass.

H. B. No. 838, S. B. No. 1004: A bill to be entitled an act to incorporate the Wilmington Fire Bucket Company, No. 1, with a recommendation that it do pass.

H. B. No. 736, S. B. No. 1021: A bill to be entitled an act to incorporate the Atlantic Iron and Steel Manufacturing Company, with a recommendation that it do pass.

From Committee on Propositions and Grievances:

By Mr. Latham, S. B. No. 1011, H. B. No. 804: A bill to be entitled an act to prohibit the giving away or selling of spirituous or intoxicating liquors at or within three miles of Shocco chapel, in Warren county.

H. R. No. 216, S. R. No. 1012: Resolution in favor of J. T. Price, sheriff of Pasquotank county, with a recommendation that it do not pass.

S. R. No. 597: Resolution in favor of the securities of Jesse Sumner, late sheriff of Buncombe county, with a request that the committee be discharged from its further consideration.

H. B. No. 770, S. B. No. 945: A bill to be entitled an act

declaring a portion of Haw river, in Rockingham county, a lawful fence, with a recommendation that it do not pass.

S. B. No. 995: A bill to be entitled an act concerning inspection in the city of Wilmington, with a recommendation that it do pass.

S. B. No. 772: A bill to be entitled an act concerning the gauging of casks and barrels of spirits of turpentine, with a request that the committee be discharged from its further consideration.

From Committee on Judiciary:

By Mr. Morehead, S. R. No. 1029: Resolution concerning the Public Treasurer, with a recommendation that it do pass.

S. B. No. 944: A bill to be entitled an act concerning allotment of dowers, with a recommendation that it do pass.

The following named bills and resolutions were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows:

By message from the House of Representatives, H. B. No. 422: A bill to be entitled an act explanatory of certain acts, and to enable parties holding bonds of the State issued for internal improvements, under acts passed prior to the war, to sell the same.

H. B. No. 855: A bill to be entitled an act to incorporate the Rocky Ford Manufacturing Company, in the county of Richmond.

H. R. No. 242: Resolution concerning the consideration of business on the day of adjournment. Concurred in.

H. R. No. 223: Resolution in regard to cloth in the hands of the Keeper of the Capitol. Concurred in.

H. R. No. 248: Resolution concerning certain commissioners. Concurred in.

H. B. No. 915: A bill to be entitled an act to prevent frauds in the sale of public property. Placed on the calendar.

A message was received from the House of Representatives transmitting H. R. No. 229: Resolution in favor of certain officers of this House. The resolution was concurred in.

Mr. Albright moved that when this Senate adjourns to-day, it adjourns until Monday morning at 10 o'clock. The motion prevailed.

Mr. LeGrand, from the Select Committee to examine coupons in the State Treasurer's office, submitted a report, which was read and ordered to be transmitted to the House of Representatives, with a proposition that it be filed in the Auditor's office.

A message was received from the House of Representatives transmitting House amendments to S. B. No. 823, H. B. No. 924: A bill to be entitled an act to change the time of holding elections in this State in the year 1876. The amendments were concurred in.

Mr. Cantwell offered a resolution requiring the Secretary of the Senate and the Clerk of the House of Representatives to bring forward the unfinished business of the present General Assembly, to the next General Assembly of North Carolina. The resolution was read and adopted, and transmitted to the House of Representatives for concurrence.

Mr. C. M. Cooke moved to reconsider the vote by which the Senate adopted S. R. No. 1029, H. R. No. 233: Resolution concerning the Public Treasurer. The motion prevailed.

The question recurring on the adoption of the resolution, Mr. Morehead offered an amendment, which prevailed.

The resolution, as amended, was then adopted, and ordered to be transmitted to the House of Representatives without engrossment of the amendment.

Mr. Cashwell introduced a bill providing for canaling Big swamp, Robeson county. The bill was read the first time and rejected.

Mr. Busbee offered a resolution to let the unimproved lots in the city of Raleigh, belonging to the State. The resolution was read.

Mr. Cantwell offered an amendment, which prevailed, and the resolution, as amended, was then adopted.

A bill on its third reading was acted upon as follows:

H. B. No. 577, S. B. No. 848: A bill to be entitled an act to enable the mayor and commissioners of the town of Fayetteville to issue new bonds in exchange for bonds issued by said mayor and commissioners in payment of subscription for stock in the Western Railroad Company. The bill was read and passed the third time. Yeas 28, nays none.

*Affirmative*—Mr. President, Messrs. Albright, Boddie, Busbee, Cantwell, Cashwell, Clement, C. M. Cooke, N. S. Cook, French, Graham, Irwin, Jenkins, Jernigan, Latham, LeGrand, Love, McElroy, Mills, Parish, Pegram, Smith, Taylor, Waddell, Walker, Williamson, Worthy and Young—28.

*Negative*—None.

The following bills were read and passed, without amendment, the second and third times, the yeas and nays being dispensed with by consent.

H. B. No. 738, S. B. No. 867: A bill to be entitled an act to prohibit the sale of spirituous liquors in certain localities in Chatham county.

H. B. No. 896, S. B. No. 992: A bill to be entitled an act to incorporate the North Carolina Printing and Publishing Co.

H. B. No. 770, S. B. No. 883: A bill to be entitled an act to require the Secretary of State to perform certain duties.

S. B. No. 1028: A bill to be entitled an act to incorporate the Wilberforce School.

S. B. No. 1022: A bill to be entitled an act concerning county taxes of Columbus county.

S. B. No. 687: A bill to be entitled an act to repeal an act entitled an act to amend an act authorizing the laying out and establishing a turnpike road from the South Carolina line at some point near Block House, &c., &c.

S. B. No. 944: A bill to be entitled an act concerning allotment of dowers.

S. B. No. 771: A bill to be entitled an act to amend section 12, chapter 63, Battle's Revisal.

S. B. No. 865: A bill to be entitled an act to incorporate the North Carolina Water Power Company.

S. B. No. 1021, H. B. No. 736: A bill to be entitled an act to incorporate the Atlantic Iron and Steel Manufacturing Company.

H. B. No. 780, S. B. No. 966: A bill to be entitled an act to prevent the netting of birds in the county of Forsythe.

H. B. No. 665, S. B. No. 894: A bill to be entitled an act to incorporate Perseverance Council, No. 74, Friends of Temperance, of Fayetteville.

H. B. No. 793, S. B. No. 874: A bill to be entitled an act to incorporate Wilkesboro' High School, in the county of Wilkes.

H. B. No. 507, S. B. No. 814: A bill to be entitled an act to allow the citizens of Swain county to pass through the counties of Macon and Jackson without paying toll.

H. B. No. 288, S. B. No. 743: A bill to be entitled an act to extend and define the corporate limits of the town of Morganton.

H. B. No. 382, S. B. No 810: A bill to be entitled an act to amend chapter 120, section 1, Battle's Revisal.

H. B. No. 414, S. B. No. 798: A bill to be entitled an act to amend chapter 118, Battle's Revisal.

H. B. No. 779, S. B. No. 888: A bill to be entitled an act to provide for the erection of a new kitchen and store-house room at the Insane Asylum.

H. B. No. 470, S. B. No. 898: A bill to be entitled an act to extend the time for the organization of certain corporations.

H. B. No. 583, S. B. No. 882: A bill to be entitled an act to amend an act to incorporate the National Loan Trust Company, ratified the 4th day of March, A. D. 1867, and for other purposes therein set forth.

H. B. No. 911: A bill to be entitled an act to incorporate the Historical Society of North Carolina.

H. B. No. 855, S. B. No. —: A bill to be entitled an act to incorporate the Rocky Ford Manufacturing Company, in the county of Richmond.

H. B. No. 809, S. B. No. 1027: A bill to be entitled an act to punish the wilful burning of houses.

H. B. No. 907, S. B. No. 1017: A bill to be entitled an act to change the time of holding certain courts.

H. B. No. 781, S. B. No. 1007: A bill to be entitled an act to punish the fraudulent use of brands.

H. B. No. 879, S. B. No. 1015: A bill to be entitled an act concerning the maintenance of lunatics.

H. B. No. 422: A bill to be entitled an act explanatory of certain acts, and to enable parties holding bonds of the State issued for internal improvements under acts passed prior to the war to sell the same.

H. B. No. 554, S. B. No. 805: A bill to be entitled an act in relation to estrays.

H. B. No. 884, S. B. No. 1014: A bill to be entitled an act to extend the corporate limits of the town of Goldsboro, and for other purposes.

H. B. No. 621, S. B. No. 879: A bill to be entitled an act to prohibit the sale of spirituous liquors in or within three miles of the town of Murfreesboro', in the county of Hertford.

H. B. No. 794, S. B. No. 891: A bill to be entitled an act to incorporate the town of Penny Hill, in the county of Pitt.

H. B. No. 664, S. B. No. 897: A bill to be entitled an act to amend section 1, chapter 14, of private laws of 1870–'71, to re-enact the same.

H. B. No. 302, S. B. No. 739: A bill to be entitled an act to amend chapter 17, section 57, Battle's Revisal, concerning parties to action to recover real estate.

Bills and resolutions on second reading were further acted upon, as follows:

S. B. No. 918: A bill to be entitled an act to provide for the employment of convicts in the county jails, and for other purposes. The bill was read the second time.

The amendment proposed by the Committee on Penal Institutions prevailed, and the question recurred on the passage of the bill on its second reading.

Mr. C. M. Cooke moved to lay the bill upon the table. The motion did not prevail, and the bill passed the second time.

The rules were suspended, and the bill read and passed the third time, the yeas and nays being dispensed with by consent.

H. B. No. 725, S. B. No. 1018: A bill to be entitled an act in relation to costs in State cases. The bill was read and passed the second time.

The rules were suspended, and the bill read and passed the third time. Yeas 14, nays 12.

*Affirmative*—Mr. President, Messrs. Cantwell, Clement, C. M. Cooke, N. S. Cook, French, Graham, Hargrave, Holton, Irwin, Latham, Parish, Pegram and Waring—14.

*Negative*—Messrs. Albright, Boddie, Busbee, LeGrand, Love, McElroy, Peebles, Smith, Taylor, Waddell, Williamson and Worthy—12.

H. B. No. 523, S. B. No. 523: A bill to be entitled an act to amend an act entitled an act to amend the charter of the North Carolina Railroad Company, and for other purposes therein mentioned. The bill was read the second time.

The amendment proposed by the Committee on Internal Improvements was adopted, and the bill passed the second time.

The bill was read and passed the third time. Yeas 26, nays none.

*Affirmative*—Mr. President, Messrs. Albright, Boddie, Busbee, Cantwell, Clement, C. M. Cooke, N. S. Cook, French, Hargrave, Holton, Jenkins, Jernigan, Latham, McCauley, McElroy, Morehead, Parish, Peebles, Pegram, Taylor, Tucker, Waddell, Walker, Waring, Williamson and Worthy—26.

*Negative*—None.

H. B. No. 408, S. B. No. 852: A bill to be entitled an act to allow the commissioners of Bladen county to levy a special tax.

The bill was read and passed the second time. Yeas 27, nays none.

*Affirmative*—Mr. President, Messrs. Albright, Boddie, Bus-

bee, Cantwell, Cashwell, Clement, C. M. Cooke, N. S. Cook, French, Graham, Jenkins, Latham, LeGrand, Love, McCauley, McElroy, Morehead, Peebles, Pegram, Smith, Tucker, Waddell, Walker, Waring, Williamson and Worthy—27.

*Negative*—None.

H. B. No. 881, S. B. No. 1016: A bill to be entitled an act to amend chapter 41, section 9, of Revised Code, as brought forward in Battle's Revisal, chapter 40, section 14. The bill was read the second time.

The substitute proposed by the Committee on the Judiciary prevailed, and the bill passed the second time.

The bill was then read and passed the third time, the yeas and nays being dispensed with by consent.

S. R. No. 1029, H. R. No. 233: Resolution concerning the Public Treasurer. The resolution was read.

The amendment proposed by the committee prevailed, and the resolution, as amended, was adopted.

H. B. No. 800, S. B. No. 970: A bill to be entitled an act to amend section 16, chapter 2, Battle's Revisal, entitled Agriculture and Geologist. The bill was read the second time.

Mr. Busbee offered to amend by striking out the words "out of" in the sixth line, and inserting "in addition to."

The yeas and nays being required, the amendment did not prevail. Yeas 7, nays 25.

*Affirmative*—Mr. President, Messrs. Cantwell, Irwin, Morehead, Peebles, Tucker and Walker—7.

*Negative*—Messrs. Albright, Boddie, Busbee, Cashwell, Clement, C. M. Cooke, N. S. Cook, French, Graham, Holton, Jernigan, Latham, LeGrand, Love, McCauley, McElroy, Parish, Pegram, Smith, Taylor, Waddell, Waring, Williamson, Worthy and Young—25.

The question recurring on the passage of the bill, Mr. Waring moved to lay the bill upon the table.

The yeas and nays being required, the motion prevailed. Yeas 18, nays 9.

*Affirmative*—Messrs. Albright, Boddie, Cantwell, Cashwell,

French, Graham, Hargrave, Holton, McCauley, Parish, Peebles, Pegram, Smith, Tucker, Waddell, Waring, Williamson and Worthy—18.

*Negative*—Messrs. Clement, Irwin, Latham, LeGrand, Love, McElroy, Taylor, Walker and Young—9.

Mr. Irwin moved to reconsider the vote just had.

Mr. Waring moved to lay that motion on the table. The motion to table prevailed.

S. R. No. 993: Resolution in favor of M. Patterson and others. The resolution was read.

Pending its consideration, Mr. Latham moved the previous question, and the main question was ordered.

The question recurring on the adoption of the resolution, and the yeas and nays being required, it was rejected. Yeas 5, nays 23.

*Affirmative*—Messrs. French, Jernigan, Mills, Morehead and Smith—5.

*Negative*—Messrs. Albright, Boddie, Busbee, Cantwell, Cashwell, Clement, C. M. Cooke, N. S. Cook, Hargrave, Irwin, Latham, LeGrand, Love, McCauley, McElroy, Pegram, Taylor, Waddell, Walker, Waring, Williamson, Worthy and Young–23.

H. B. No. 247, S. B. No. 295: A bill to be entitled an act for the relief of the sureties of T. F. Lee, late sheriff of Wake county. The bill was read the second time.

Mr. C. M. Cooke offered an amendment.

Mr. Jenkins moved to lay the bill on the table.

The yeas and nays being required, the motion to table prevailed. Yeas 19, nays 13.

*Affirmative*—Mr. President, Messrs. Albright, Clement, Graham, Hargrave, Irwin, Jenkins, LeGrand, Love, McCauley, McElroy, Mills, Morehead, Smith, Waddell, Waring, Williamson and Worthy—19.

*Negative*—Messrs. Boddie, Busbee, Cashwell, C. M. Cooke, N. S. Cook, French, Holton, Jernigan, Latham, Parish, Pegram, Taylor and Walker—13.

S. R. No. 914: Resolution requesting Congress to issue

$500,000,000 legal tender notes, &c. The bill was read and rejected.

H. B. No. 503, S. B. No. 589: A bill to be entitled an act to amend the election laws. The bill was read the second time.

The amendment proposed by the Committee on Judiciary prevailed, and the bill passed the second time.

The rules were suspended, and the bill read and passed the third time, the yeas and nays being dispensed with by consent.

H. R. No. 187, S. R. No. 967: Resolution in regard to the American Centennial. The resolution was read.

The yeas and nays being required, the resolution was adopted. Yeas 20, nays 9.

*Affirmative*—Messrs. Busbee, Cantwell, Cashwell, C. M. Cooke, N. S. Cook, French, Holton, Irwin, Jenkins, Jernigan, Love, McCauley, McElroy, Morehead, Peebles, Pegram, Smith, Taylor, Tucker and Waddell—20.

*Negative*—Messrs. Boddie, Clement, Latham, LeGrand, Mills, Walker, Waring, Williamson and Worthy—9.

Mr. Pegram moved to reconsider the vote by which H. R. No. 239: Resolution in regard to the battery of artillery belonging to the State, was rejected. The motion prevailed, and the resolution was read and adopted.

Mr. Busbee offered a resolution that a message be sent to the House of Representatives, requesting the return of S. B. No. 629: A bill to be entitled an act to amend section 16, of chapter 2, of Battle's Revisal.

Pending the consideration of the resolution, Mr. Parish moved the previous question, and the main question was ordered.

The question recurring on the adoption of the resolution, the yeas and nays were required, and it was adopted. Yeas 16, nays 11.

*Affirmative*—Messrs. Boddie, Busbee, Cantwell, C. M. Cooke, French, Graham, Hargrave, Irwin, Jenkins, Mills,

Morehead, Parish, Smith, Waddell, Walker and Waring—16.

*Negative*—Messrs. Albright, Clement, N. S. Cook, Holton, Latham, LeGrand, Love, McElroy, Pegram, Worthy and Young—11.

Thereupon a message was transmitted to the House of Representatives, in accordance with this resolution.

At a subsequent hour, a message was received from the House of Representatives, transmitting S. B. No. 629: A bill to be entitled an act to amend section 16, of chapter 2, of Battle's Revisal, in compliance with the request of the Senate.

Mr. Waring then moved that the bill be laid upon the table.

The yeas and nays being required, the motion to table prevailed. Yeas 20, nays 7.

*Affirmative*—Messrs. Albright, Boddie, Cantwell, Cashwell, Clement, C. M. Cooke, N. S. Cook, French, Graham, Holton, Jernigan, Latham, Parish, Peebles, Pegram, Smith, Waddell, Waring, Williamson and Worthy—20.

*Negative*—Messrs. Busbee, Hargrave, Love, McElroy, Mills, Tucker and Young—7.

A message was received from the House of Representatives, transmitting without engrossment certain amendments to H. B. No. 370, S. B. No. 926: A bill to be entitled an act to amend the charter of the North Carolina Railroad Company, and provide for the transfer of the State's stock therein, and asking concurrence therein.

On motion of Mr. Morehead, the Senate refused to concur, and ordered a message to be sent.

A message was received from the House of Representatives informing the Senate that the House had refused to recede from its amendments to H. B. No. 370, S. B. No. 926, as amended by the Senate, and asking a committee of conference, the House having appointed Messrs. Mendenhall, McRae and Mebane as House branch of the committee.

The Chair designated Messrs. Graham and Morehead as the Senate branch of said committee.

On motion, the proceedings of the executive session of this Senate were ordered to be printed.

On motion, S. B. No. 619: A bill to be entitled an act for the relief of disabled soldiers, was taken up and put on its passage.

The report of the Committee on Finance was adopted, and the bill, as amended by the Senate, was transmitted to the House of Representatives for concurrence.

The following named resolution, reported as correctly engrossed by the Committee on Engrossed Bills, was transmitted to the House of Representatives for concurrence.

S. R. No. 1026: Resolution for indexing the Senate and House Journals.

The following bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

An act concerning inspection of timber in the city of Wilmington.

An act to authorize the commissioners of Cumberland county to fund their debt.

Resolution in favor of the clerks of the General Assembly.

An act to amend chapter 64, of Battle's Revisal, landlord and tenant act.

An act to authorize the manufacturing of domestic wines in this State.

An act to provide additional arms for military schools.

An act to create another township in the county of Burke.

An act to incorporate Whitaker's Mill, in Nash county.

An act to change time of sales day.

An act to incorporate the town of Polkton, in the county of Anson.

An act in relation to taxation in Burke and McDowell counties.

An act to incorporate the Ridgeway Cemetery Association.

An act to facilitate the construction of telegraph lines.

An act to establish a colored branch asylum at Wilmington, N. C.

An act to authorize the mayor and commissioners of Fayetteville to re-organize the fire department of said town.

Resolution concerning an appeal to the Supreme Court of the United States.

An act to incorporate the Plummer Hook and Ladder Company, No. 1.

An act to amend chapter 113, laws 1868–'69, as brought forward in Battle's Revisal, chapter 45, section 115.

An act to amend the charter of the town of Cerro Gordo, in Columbus county.

An act to amend an act to lay off and establish a public road in the counties of Davie and Davidson.

An act to allow a jury in Madison county to lay off a road to Marshall, N. C.

Resolution providing for payment for State warrant.

Resolution in regard to battery of artillery belonging to the State.

Resolution in favor of the doorkeepers and pages of the General Assembly.

An act to prohibit the sale of spirituous liquors within one and a half miles of Poplar Spring church, in the county of Franklin.

An act to incorporate the Dan River Navigation Company.

An act to authorize the county commissioners of Jackson to have a toll gate erected on a road known as the Tuckaseege and Keowee turnpike road.

An act to incorporate the Robeson County Agricultural Society.

Resolution concerning the funeral expenses of the late Governor Caldwell.

An act to incorporate the Mecklenburg Centennial Association.

Resolution in favor of Geo. D. Miller.

An act to provide another asylum for the insane of North Carolina.

Resolution on adjournment.

Resolution in favor of James Farriss and James Lumley.

An act authorizing a specific appropriation for the erection of the Penitentiary.

An act concerning burnt and destroyed records of Watauga county.

An act to amend section 1, chapter 31, laws of 1873–'74.

An act to amend section 2, chapter 23, of Battle's Revisal, entitled constables.

An act in relation to the land scrip fund for establishment of colleges for the benefit of agricultural and mechanic arts.

Mr. French being in the chair, Mr. Tucker offered the following resolution:

"*Resolved*, That this Senate return a vote of thanks to the President of this Senate for the kind, courteous and able manner in which he has discharged the duties of his office during the present session of the General Assembly. And further, that we, the members of this Senate, believe that he has ruled in the chair without partiality, and with justice to all."

Thereupon, the President addressed the Senate, as follows:

"Senators: The adoption of the resolution, and the remembrance of the uniform kindness and consideration with which you have treated your President, fills me with emotions of gratitude towards each one of you which I cannot express. You but do me justice when you say that I have discharged my duties with impartiality. When I first took the chair, I resolved to know no man and no political party on the floor of the Senate. I hope I have been able to carry out this resolution in the discharge of my duties, but the good order and decorum which you have always maintained, have made my duties light indeed. I shall ever remember to the last day

of my life, the honor, the kindness and the consideration which I have received at the hands of all of you."

Mr. Walker offered the following resolution, which was unanimously adopted:

"*Resolved*, That the thanks of the Senate are due and are hereby tendered to the Secretary of the Senate and his assistant, the Clerk, and to the reverend, the clergy of the city, and the reporters of the Senate for their politeness and promptness, and their attention to the duties of their respective offices."

The Senate then adjourned until 10 A. M. Monday.

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## EIGHTY-FIFTH DAY.

SENATE CHAMBER, March 22nd, 1875.

The Senate met pursuant to adjournment.

On motion of Mr. Williamson, the reading of the Journal of Saturday was dispensed with.

Mr. Taylor moved to re-consider the vote by which the Senate on Saturday concurred in H. R. No. 242: Resolution in relation to the transaction of business on the day of adjournment. The motion to re-consider prevailed.

The question recurring on concurrence in the resolution, the Senate refused to concur, and a message was ordered to be sent to the House of Representatives asking concurrence in this action of the Senate.

A message was thereafter received from the House of Representatives informing the Senate that the House had con-

curred unanimously in the action of the Senate, rescinding the resolution of the 20th inst., forbidding legislation on the day of adjournment.

Thereupon, Mr. Taylor moved that the Senate re-consider the vote by which the substitute proposed by the Judiciary Committee for H. B. No. 881, S. B. No. 1016: A bill to be entitled an act to amend chapter 41, section 9, of the Revised Code, as brought forward in Battle's Revisal, chapter 40, section 4, was adopted on Saturday, the 20th inst. The motion to re-consider prevailed.

The question recurring on the adoption of the substitute, it was rejected, and the bill passed the third time, the yeas and nays being dispensed with by consent, and the bill was ordered to be enrolled for ratification.

The following bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

An act to establish public road from Horse Gap to the Virginia line.

An act to prohibit the sale of spirituous liquors in or within three miles of the town of Murfreesboro, in the county of Hertford.

An act to amend an act entitled an "act to amend the charter of North Carolina Railroad Company, and for other purposes therein mentioned."

An act to amend chapter 41, section 9, of Revised Code, as brought forward in Battle's Revisal, chapter 40, section 14."

An act to amend Battle's Revisal, chapter 118.

An act to incorporate the Wilberforce School.

An act to amend chapter 120, section 1, Battle's Revisal.

An act to punish the fraudulent use of brands.

An act to carry into effect section 6, article 9, of the Constitution, in relation to unclaimed dividends.

An act to incorporate Wilkesboro' High School, in the county of Wilkes.

An act to allow the citizens of Swain county to pass through the counties of Macon and Jackson without paying toll.

An act to extend and define the corporate limits of the town of Morganton.

An act to incorporate the Dry Pond and New Town Bucket Company, No. 3, of the city of Wilmington.

An act to authorize the officers in charge of the Eastern Division, Western North Carolina Railroad, to pay the money in the treasury of the same to the officers entitled to the same.

An act to incorporate the American Type Setting Machine Company.

An act to incorporate the North Carolina Printing and Publishing Company.

An act to prevent the netting of birds in the county of Forsythe.

An act concerning maintainance of lunatics.

An act to change the time of holding elections in this State in the year 1876.

An act to incorporate the town of Penny Hill, in the county of Pitt.

An act supplemental to an act to raise revenue, passed at the present session of the General Assembly.

An act to authorize the establishment of public graded schools in the city of Charlotte.

An act to prohibit the sale of spiritous liquors in certain localities in Chatham county.

An act to regulate the sale of liquor in Northampton county.

An act to amend chapter 17, section 57, Battle's Revisal, concerning parties to actions to recover real estate.

An act to amend section 1, chapter 14, of private laws of 1870–'71, and to re-enact the same.

An act to enable the mayor and commissioners of the town of Fayetteville to issue bonds in exchange for bonds issued by said mayor and commissioners in payment of subscription for stock in the Western Railroad Company.

An act to change the time of holding certain courts.

An act to require the Secretary of State to perform certain duties.

An act to incorporate Perseverance Council, No. 74, Friends of Temperance, of Fayetteville, N. C.

An act to punish the willful burning of houses.

An act to incorporate the Historical Society of North Carolina.

An act to incorporate the Atlantic Iron and Steel Manufacturin Company.

An act to extend the corporate limits of the town of Goldsboro', and for other purposes.

An act to incorporate the Grange Bank of Cumberland.

An act to alter the times of holding the Superior Courts in second judicial district.

An act to define the jurisdiction of the mayor of Newbern.

An act supplemental to an act to raise revenue, passed at the present session of the General Assembly.

An act in favor of certain officers and tax-payers of North Carolina, being chapter 70, public laws of 1873–'74.

(Omnibus Liquor Bill) An act to prohibit the sale of spirituous liquors in certain localities.

An act to prevent discrimination in freight tariffs by Railroad companies operating in this State.

An act to incorporate the Sampson County Agricultural Society.

An act concerning public printing.

An act to incorporate the Fifth Ward Independent Bucket Company, No. 1, of Wilmington, North Carolina.

Resolution in favor of W. M. Moore.

An act to amend chapter 69, private laws of 1872–'73.

An act concerning county taxes of Columbus county.

An act to incorporate the Railway Operatives Mutual Insurance Company.

An act to authorize the Atlantic and North Carolina Railroad Company to construct a branch road.

An act to amend the charter of Elizabeth City, in the county of Pasquotank.

An act to ascertain the indebtedness of the different counties, cities and towns of this State, and to prescribe a statute of limitations.

An act to amend the charter of the town of Kinston, in Lenoir county, and for other purposes.

An act to raise revenue.

An act to amend section 1, chapter 52, and section 1, chapter 59, of the laws of 1873–'74.

An act to amend section 12, chapter 63, of Battle's Revisal.

Joint resolution on Superintendent of Insane Asylum.

An act to provide for the erection of new kitchen and storehouse rooms at the Insane Asylum.

An act to amend Battle's Revisal, section 6, chapter 118.

An act explanatory of certain acts, and to enable parties holding bonds of the State issued for internal improvements under acts passed prior to the war to sell the same.

Resolution concerning certain commissioners.

An act to amend election laws.

An act to authorize the hire of convict labor in or outside the State prison, and to regulate the same.

Resolution in regard to cloth in the hands of the Keeper of the Capitol.

An act to extend the time for the organization of certain corporations.

An act in relation to fees in State cases.

An act to incorporate the Rocky Ford Manufacturing Company, in the county of Richmond.

An act in relation to estrays.

Resolution in regard to the Centennial of American Independence.

A message was received from the House of Representatives informing the Senate that the House of Representatives would on the return of the messenger, adjourn *sine die*.

Thereupon, it being the hour of twelve o'clock, the President addressed the Senate as follows:

"SENATORS: The hour has come which brings our labors to a close, and severs those social relations which have been so grateful to us all.

I desire, as your presiding officer, to bear testimony to the country of your industry, patience, and constant and earnest devotion and application to your public duties. In whatever else any of your predecessors may have excelled you, none of them have surpassed you in these essential qualifications of legislators. Though your constituents will differ as to expediency of many laws you have passed, all must accord to you the character of incorruptible, courageous and patriotic Legislators—men who dared to do what they believed to be right, and rely upon their own consciences and the sober judgment of the people to sustain them.

I return to you, one and all, my sincere thanks for the good order and lofty courtesy which you have always maintained, so becoming to you, Senators, engaged in the exercise of these high functions, and from which you have never for one moment departed. This, together with the kind consideration which each one of you have, upon all occasions, shown to your presiding officer, has not only made the performance of my duties light, but a source of constant pleasure to me. I shall always regard it as the greatest happiness of my life that I have presided over, and enjoyed the confidence of the Senate of North Carolina of 1874–'75. With the profoundest sense of my obligation to each one of you, I bid you all an affectionate farewell, and declare this Senate adjourned *sine die*."

R. F. ARMFIELD,
*President of the Senate.*

JOHNSTONE JONES,
*Secretary of the Senate.*

# APPENDIX.

## PROCEEDINGS

OF THE

# EXECUTIVE SESSION

OF

## SENATE OF NORTH CAROLINA,

SESSION OF 1874-'75

# APPENDIX.

## PROCEEDINGS IN EXECUTIVE SESSION.

SENATE CHAMBER, March 10th, 1875.

The Senate having gone into Executive Session,

On motion, the rules of order of the Senate were adopted for the government of the Senate in Executive Session.

The Chair announced a message from His Excellency, the Governor, nominating the following persons as Directors of the Penitentiary of North Carolina, to-wit: Jacob S. Allen, J. M. Coffin, Stewart Ellison, John C. Rhodes and James Pace.

The question recurring on the confirmation or rejection of the nomination of Jacob S. Allen, the yeas and nays were required, and the Senate voted as follows:

*Affirmative*—Messrs. Bell, Boddie, Bryan, Busbee, Cantwell, Cashwell, Clement, N. S. Cook, French, Graham, Hargrave, Holton, Irwin, Jenkins, Jernigan, Kerr, Latham, LeGrand, Linney, Love, Mabson, Marler, McCauley, McElroy, McMillan, Mills, Morehead, Parish, Paschall, Peebles, Pegram, Selby, Smith, Sneed, Standford, Stickney, Sugg, Taylor, Tucker, Waddell, Walker, Waring, Worthy and Young—44.

*Negative*—Messrs. Anderson, Shaw and Williamson—3.

Thereupon, the Chair declared that a majority of all the Senate having voted in the affirmative, the appointment of Jacob S. Allen was duly confirmed.

The question then recurring on the confirmation or rejection of the nomination of J. M. Coffin, the yeas and nays were required, and the Senate voted as follows:

*Affirmative*—Messrs. Anderson, Bell, Boddie, Bryan, Busbee, Cantwell, Cashwell, Clement, N. S. Cook, French, Gra-

ham, Hargrave, Holton, Irwin, Jenkins, Jernigan, Kerr, Latham, LeGrand, Love, Mabson, Marler, McCauley, McElroy, Mills, Morehead, Paschall, Peebles, Pegram, Smith, Sneed, Standford, Stickney, Sugg, Taylor, Tucker, Waddell, Walker, Waring, Williamson, Worthy and Young—42.

*Negative*—Messrs. Linney, McMillan, Parish and Shaw—4.

Thereupon, the Chair declared that a majority of all the Senators having voted in the affirmative, the appointment of J. M. Coffin was duly confirmed.

The question then recurring on the confirmation or rejection of the nomination of Stewart Ellison, the yeas and nays were required, and the Senate voted as follows:

*Affirmative*—Messrs. Bell, Bryan, Busbee, Cantwell, Cashwell, N. S. Cook, Hargrave, Holton, Latham, LeGrand, Love, Mabson, McElroy, Mills, Morehead, Paschall, Peebles, Sneed, Standford, Taylor, Tucker, Walker and Waring—23.

*Negative*—Messrs. Anderson, Boddie, Clement, French, Graham, Irwin, Jenkins, Jernigan, Kerr, Linney, Marler, McMillan, Parish, Pegram, Shaw, Smith, Stickney, Sugg, Williamson, Worthy and Young—21.

Thereupon, the Chair declared that a majority of all the Senators not having voted in the affirmative, the appointment of Stewart Ellison was not confirmed.

Mr. Irwin moved to reconsider the vote just had. The motion prevailed, and the Senate proceeded to vote as follows:

*Affirmative*—Messrs. Bell, Bryan, Busbee, Cantwell, Cashwell, N. S. Cook, Hargrave, Holton, Latham, LeGrand, Love, Mabson, McCauley, Mills, Morehead, Paschall, Peebles, Selby, Sneed, Standford, Taylor, Tucker, Walker and Waring—24.

*Negative*—Messrs. Anderson, Boddie, Clement, French, Graham, Irwin, Jenkins, Jernigan, Kerr, Linney, Marler, McElroy, McMillan, Parish, Pegram, Shaw, Smith, Stickney, Sugg, Waddell, Williamson, Worthy and Young—23.

The Chair declared that a majority of all the Senrtors not having voted in the affirmative, the appointment of Stewart Ellison was not confirmed.

The question then recurring upon the confirmation or rejection of the nomination of John C. Rhodes, the yeas and nays were required, and the Senate voted as follows:

*Affirmative*—Messrs. Bell, Boddie, Bryan, Busbee, Cantwell, Cashwell, Clement, N. S. Cook, French, Graham, Hargrave, Holton, Irwin, Latham, LeGrand, Mabson, Marler, McCauley, McMillan, Paschall, Peebles, Selby, Smith, Sneed, Standford, Sugg, Taylor, Waddell, Walker, Waring and Worthy—31.

*Negative*—Messrs. Anderson, Jenkins, Jernigan, Kerr, Linney, Love, McElroy, Morehead, Parish, Pegram, Shaw, Stickney, Tucker and Young—14.

Thereupon, the Chair declared that a majority of all the Senators having voted in the affirmative, the appointment of John C. Rhodes was duly confirmed.

The question then recurring on the confirmation or rejection of the nomination of James Pace,

Mr. Busbee moved that the consideration of this nomination be postponed until the Senate again goes into executive session. The motion to postpone prevailed.

The Chair then announced a message from his Excellency, the Governor, nominating the following persons as directors of the North Carolina Institution for the Deaf and Dumb and the Blind, to wit: Rufus S. Tucker, Albert Johnson, James J. Nowell, Handy Lockhart, John W. Cole, Charles D. Heartt, and John Nichols.

The question recurring upon the confirmation or rejection of the nomination of R. S. Tucker, the yeas and nays were required, and the Senate voted as follows:

*Affirmative*—Messrs. Anderson, Boddie, Busbee, Cantwell, Cashwell, Clement, N. S. Cook, French, Hargrave, Holton, Irwin, Jenkins, Jernigan, Kerr, Latham, LeGrand, Linney, Love, Mabson, Marler, McCauley, McElroy, McMillan, Mills, Morehead, Parish, Paschall, Peebles, Pegram, Selby, Shaw, Smith, Standford, Stickney, Sugg, Taylor, Tucker, Waddell, Walker, Waring, Williamson, Worthy and Young—43.

*Negative*—Mr. Sneed—1.

Thereupon, the Chair declared that a majority of all the Senators having voted in the affirmative, the appointment of Rufus S. Tucker was duly confirmed.

The question recurring on the confirmation or rejection of the nomination of Albert Johnson, the yeas and nays were required, and the Senate voted as follows:

*Affirmative*—Messrs. Boddie, Bryan, Busbee, Cantwell, Cashwell, Clement, N. S. Cook, French, Hargrave, Holton, Irwin, Latham, LeGrand, Linney, Love, Mabson, McCauley, McElroy, McMillan, Mills, Morehead, Paschall, Peebles, Pegram, Selby, Smith, Sneed, Standford, Taylor, Tucker, Waddell, Walker, Worthy and Young—34.

*Negative*—Messrs. Anderson, Graham, Jenkins, Jernigan, Kerr, Parish, Shaw, Stickney and Williamson—9.

Thereupon, the Chair announced that a majority of all the Senators having voted in the affirmative, the appointment of Albert Johnson was duly confirmed.

The question then recurring on the confirmaion or rejection of the nomination of James J. Nowell, the yeas and nays were required, and the Senate voted as follows:

*Affirmative*—Messrs. Bell, Boddie, Bryan, Busbee, Cantwell, Cashwell, Clement, N. S. Cook, French, Hargrave, Irwin, Latham, LeGrand, Linney, Love, Marler, McCauley, McElroy, Miller, Morehead, Paschall, Peebles, Pegram, Selby, Smith, Sugg, Taylor, Tucker, Walker, Waring, Worthy and Young —32.

*Negative*—Messrs. Anderson, Jenkins, Jernigan, Kerr Mabson, McMillan, Parish, Shaw, Sneed, Standford, Stickney, Waddell and Williamson—13.

Thereupon, the Chair announced that a majority of all the Senators having voted in the affirmative, the appointment of James J. Nowell was duly confirmed.

The question then recurring on the confirmation or rejection of the nomination of Handy Lockhart, the yeas and nays were required, and the Senate voted as follows:

*Affirmative*—Messrs. Bryan, Cantwell, Cashwell, N. S.

Cook, Hargrave, Holton, Latham, LeGrand, Love, McCauley, McElroy, Mills, Morehead, Paschall, Peebles, Pegram, Sneed, Taylor, Tucker, Walker and Worthy—21.

*Negative*—Messrs. Anderson, Boddie, Clement, French, Graham, Irwin, Jenkins, Jernigan, Kerr, Mabson, Marler, McMillan, Parish, Selby, Shaw, Smith, Standford, Stickney, Sugg, Waring, Williamson and Young—22.

Thereupon, the Chair announced that a majority of all the Senators not having voted in the affirmative, the appointment of Handy Lockhart was not confirmed.

The question then recurring on the confirmation or rejection of the nomination of John W. Cole, the yeas and nays were required, and the Senate voted as follows:

*Affirmative*—Messrs. Boddie, Bryan, Busbee, Cantwell, Cashwell, Clement, N. S. Cook, French, Hargrave, Holton, Irwin, Latham, LeGrand, Linney, Love, Marler, McCauley, Mills, Morehead, Pashcall, Peebles, Pegram, Selby, Smith, Sneed, Standford, Sugg, Tucker, Walker, Waring and Worthy—31.

*Negative*—Messrs. Anderson, Graham, Jenkins, Jernigan, Kerr, Mabson, McElroy, McMillan, Parish, Shaw, Stickney, Waddell, Williamson and Young—14.

The Chair announced that a majority of all the Senators having voted in the affirmative, the appointment of John W. Cole was duly confirmed.

The question then recurring upon the confirmation or rejection of the nomination of C. D. Heartt, the yeas and nays were required, and the Senate voted as follows:

*Affirmative*—Messrs. Anderson, Bell, Boddie, Busbee, Cantwell, Cashwell, Clement, N. S. Cook, French, Graham, Hargrave, Holton, Irwin, Jenkins, Jernigan, Kerr, Latham, LeGrand, Linney, Love, Marler, McCauley, McElroy, McMillan, Mills, Morehead, Parish, Paschall, Peebles, Pegram, Selby, Smith, Standford, Stickney, Sugg, Taylor, Tucker, Waddell, Walker, Waring, Williamson, Worthy and Young—43.

*Negative*—Messrs. Mabson and Sneed—2.

Thereupon, the Chair announced that a majority of all the

Senators having voted in the affirmative, the appointment of Charles D. Heartt was duly confirmed.

The question then recurring on the confirmation or rejection of the nomination of John Nichols, the yeas and nays were required, and the Senate voted as follows:

*Affirmative*– Messrs. Anderson, Bell, Boddie, Bryan, Busbee, Cantwell, Cashwell, Clement, N. S. Cook, French, Hargrave, Holton, Irwin, Latham, LeGrand, Linney, Love, Marler, McCauley, McElroy, McMillan, Mills, Morehead, Parish, Paschall, Peebles, Pegram, Selby, Smith, Sneed, Standford, Sugg, Taylor, Waddell, Walker, Waring, Worthy and Young—38.

*Negative*—Messrs. Graham, Jernigan, Kerr, Mabson, Shaw, Stickney, Tucker and Williamson—8.

The Chair announced that a majority of all the Senators having voted in the affirmative, the appointment of John Nichols was duly confirmed.

Mr. Mills moved that the Senate, sitting in Executive Session, now adjourn until 12 M. to-morrow. The motion prevailed.

Thereupon, the Senate, sitting in Executive Session, adjourned until 12 M. to-morrow.

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SENATE CHAMBER, March 11th, 1875.

The Senate went into Executive Session, agreeable to adjournment, at 12 M.

The proceedings of the Senate, sitting in Executive Session, March 10th, was read and approved.

The unfinished business was taken up, and the Senate proceeded to consider the nomination of James Pace as director of the Penitentiary.

The question recurring on the confirmation or rejection of the nomination, the Senate proceeded to vote as follows:

*Affirmative*—Messrs. Albright, Boddie, Bryan, Busbee, Cantwell, Cashwell, Clement, N. S. Cook, French, Hargrave,

Holton, Irwin, Jernigan, Kerr, Latham, LeGrand, Linney, Love, Mabson, Marler, McCauley, McElroy, McMillan, Mills, Morehead, Paschall, Peebles, Selby, Smith, Sneed, Standford, Sugg, Taylor, Tucker, Waddell, Walker, Waring, Williamson, Worthy and Young—40.

*Negative*—Messrs. Anderson, Bell, Jenkins, Parish, Pegram, Shaw and Stickney.

Thereupon, the Chair announced that a majority of all the Senators having voted in the affirmative, the appointment of James Pace was duly confirmed.

The Chair announced a message from his Excellency, the Governor, nominating D. M. Furchees as a director of the Pentitentiary, *vice* Stewart Ellison, rejected.

The question recurring on the confirmation or rejection of the nomination of D. M. Furchees, the yeas and nays were required, and the Senate proceeded to vote as follows:

*Affirmative*—Mr. President, Messrs. Albright, Boddie, Bryan, Busbee, Cantwell, Cashwell, French, Graham, Hargrave, Holton, Jenkins, Jernigan, Kerr, Latham, LeGrand, Linney, Mabson, Marler, McCauley, McMillan, Mills, Parish, Paschall, Peebles, Selby, Smith, Stickney, Sugg, Taylor, Tucker, Walker, Waring, Williamson and Worthy—35.

*Negative*—Messrs. Anderson, Clement, N. S. Cook, Irwin, Love, McElroy, Morehead, Pegram, Shaw, Sneed, Standford, Waddell and Young—13.

Thereupon, the Chair announced that a majority of all the Senators having voted in the affirmative, the appointment of D. M. Furchees was duly confirmed.

The Chair then announced a message from his Exeellency, the Governor, nominating Dr. J. G. Ramsey, F. H. Cameron, Charles H. Thomas, and Dr. B. F. Arrington, as directors of the Insane Asylum of North Carolina, to fill vacancies now existing in said Board.

The question recurring on the confirmation or rejection of the nomination of Dr. J. G. Ramsey, the yeas and nays were required, and the Senate proceeded to vote as follows:

*Affirmative*—Messrs. Bryan, Cashwell, Holton, Mabson, McCauley, Peebles, Sneed, Tucker and Walker—9.

*Negative*—Messrs. Albright, Anderson, Boddie, Busbee, Cantwell, Clement, N. S. Cook, French, Graham, Hargrave, Irwin, Jenkins, Jernigan, Kerr, Latham, LeGrand, Linney, Love, Marler, McElroy, McMillan, Mills, Morehead, Parish, Paschall, Pegram, Selby, Shaw, Smith, Standford, Stickney, Sugg, Taylor, Waddell, Waring, Williamson, Worthy and Young—38.

Thereupon, the Chair announced that a majority of all the Senators not having voted in the affirmative, the appointment of Dr. J. G. Ramsey was not confirmed.

The question then recurring on the confirmation or rejection of the nomination of F. H. Cameron, the yeas and nays were required, and the Senate proceeded to vote as follows:

*Affirmative*—Messrs. Albright, Anderson, Boddie, Busbee, Cantwell, Cashwell, Clement, N. S. Cook, French, Graham, Hargrave, Holton, Irwin, Jenkins, Jernigan, Kerr, Latham, LeGrand, Linney, Love, Marler, McCauley, McElroy, McMillan, Mills, Parish, Paschall, Peebles, Pegram, Selby, Shaw, Smith, Standford, Stickney, Sugg, Taylor, Tucker, Waddell, Walker, Waring, Williamson, Worthy and Young—43.

*Negative*—Messrs. Bryan, Mabson and Sneed—3.

Thereupon, the Chair announced that a majority of all the Senators having voted in the affirmative, the appointment of F. H. Cameron was duly confirmed.

The question then recurring on the confirmation or rejection of the nomination of Charles H. Thomas, the yeas and nays were required, and the Senate proceeded to vote as follows:

*Affirmative*—Messrs. Albright, Boddie, Busbee, Cantwell, Cashwell, Clement, N. S. Cook, French, Graham, Hargrave, Holton, Irwin, Jenkins, Latham, LeGrand, Linney, Love, Mabson, Marler, McElroy, McMillan, Mills, Morehead, Paschall, Selby, Smith, Sneed, Sugg, Taylor, Tucker, Walker, Williamson and Young—33.

*Negative*—Messrs. Anderson, Jernigan, Kerr, McCauley, Parish, Pegram, Shaw, Standford, Waring and Worthy—10.

Therenpon, the Chair announced that a majority of all the Senators having voted in the affirmative, the appointment of Charles H. Thomas was duly confirmed.

The question then recurring on the confirmation or rejection of the nomination of B. F. Arrington, the yeas and nays were required, and the Senate proceeded to vote as follows:

*Affirmative*—Messrs. Albright, Anderson, Bell, Boddie, Busbee, Cantwell, Cashwell, Clement, N. S. Cook, French, Graham, Hargrave, Irwin, Jenkins, Jernigan, Kerr, Latham, LeGrand, Linney, Love, Marler, McCauley, McElroy, McMillan, Mills, Morehead, Parish, Paschall, Peebles, Pegram, Selby, Shaw, Smith, Standford, Stickney, Sugg, Taylor, Tucker, Waddell, Walker, Waring, Williamson and Worthy—43.

*Negative*—Messrs. Bryan, Mabson and Sneed—3.

Thereupon, the Chair announced that a majority of all the Senators having voted in the affirmative, the appointment of B. F. Arrington was duly confirmed.

The Chair announced a message from his Excellency, the Governor, nominating Thos. R. Purnell as the State Librarian.

The question recurring on the confirmation or rejection of the nomination, the yeas and nays were required, and the Senate proceeded to vote as follows:

*Affirmative*—Messrs. Albright, Boddie, Bryan, Busbee, Cantwell, Cashwell, N. S. Cook, Hargrave, Holton, Latham, LeGrand, Linney, Mabson, Marler, McCauley, McElroy, McMillan, Paschall, Peebles, Selby, Sneed, Standford, Taylor, Tucker, Walker, Waring, Williamson and Young—28.

*Negative*—Messrs. Anderson, Clement, French, Irwin, Jenkins, Jernigan, Mills, Pegram, Shaw, Smith, Sugg, Waddell, and Worthy—15.

Thereupon, the Chair announced that a majority of all the Senators having voted in the affirmative, the appointment of Thos. R. Purnell was duly confirmed.

The Chair then announced a message from his Excellency,

the Governor, nominating Henry M. Miller as Keeper of the Capitol.

The question recurring on the confirmation or rejection of the nomination of Henry M. Miller, the yeas and nays were required, and the Senate proceeded to vote as follows:

*Affirmative*—Messrs. Albright, Bell, Boddie, Bryan, Busbee, Cantwell, Cashwell, Clement, N. S. Cook, French, Graham, Hargrave, Holton, Irwin, Jenkins, Jernigan, Latham, LeGrand, Linney, Mabson, Marler, McCauley, Mills, Morehead, Paschall, Peebles, Selby, Smith, Sneed, Standford, Stickney, Sugg, Taylor, Tucker, Walker, Waring, Williamson and Worthy—38.

*Negative*—Messrs. Anderson, Love, McElroy, McMillan, Parish, Pegram, Shaw and Young—8.

Thereupon, the Chair announced that a majority of all the Senators having voted in the affirmative, the appointment of Henry M. Miller was duly confirmed.

The Senate, sitting in Executive Session, then adjourned until 12 M. Wednesday, the 17th of March.

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SENATE CHAMBER, March 17th, 1875.

The Senate went into Executive Session, agreeable to adjournment, at 12 M.

On motion, the reading of the minutes of the last session was dispensed with.

A message from His Excellency, the Governor, was received and read, stating that His Excellency had no further nominations to make at present.

On motion, the Senate, sitting in Executive Session, adjourned.

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